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U.S. Congress. House. Committee on the judiciary

ASSASSINATION OF LINCOLN.

JULY —, 1866.—Ordered to be printed.

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Mr. BOUTWELL, from the Committee on the Assassination of Lincoln, made the following

REPORT:

The Committee on the Judiciary, to whom were referred the resolutions of the House of Representatives of April 9 and April 30, 1866, instructing the committee to inquire into the nature of the evidence implicating Jefferson Davis and others in the assassination of President Lincoln; and also whether any legislation is necessary in order to bring such persons to a speedy and impartial trial, if it should appear that there was probable cause to believe that said persons, or any of them, are guilty of inciting,concerting, or procuring the assassination of the late President of the United States; and also whether any legislation is necessary in order to bring said persons to a speedy and impartial trial for the crime of treason, have investigated the subjects as directed, and make the following preliminary report thereon :

It is notorious that said Davis was guilty of the crime of treason according to the Constitution and the laws of the United States, and the committee are of the opinion that there are no obstacles to a speedy and impartial trial which can be removed by legislation. This is also the opinion of Attorney General Speed, as given in his testimony before the Judiciary Committee.

The evidence in possession of the committee connecting Jefferson Davis with the assassination of President Lincoln justifies the committee in saying that there is probable cause to believe that he was privy to the measures which led to the commission of the deed; but the investigations which have been made by the War Department and by the committee have not resulted in placing the government in possession of all the facts in the case. It is probable, however, that the further prosecution of the investigation by the committee and by the officers of the government will result finally in a full development of the whole transaction.

The capture of the rebel archives has put the government in possession of a mass of letters, papers, and documents of various kinds, only a portion of which have as yet been examined. The examination thus far has thrown light upon the general policy of the rebel authorities, which, in many particulars, involved a total disregard of international law and of the usages of civilized war. The Secretary of War, through Francis Lieber, LL. D., chief of the archive office, has furnished to the committee copies of various letters and papers found in the war office at Richmond, bearing upon four points of the policy of the rebel government: first, with regard to negroes bearing arms; second, the condition of rebel prisons, and the treatment of prisoners; third, orders issued and letters written by the rebel secretary of war in relation to the Union prisoners; and fourth, views and suggestions of Jefferson Davis in regard to Union prisoners. Copies of these papers have been furnished to the committee, and a synopsis thereof is herewith submitted as a part of this report. While the evidence thus

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furnished does not bear directly upon the question submitted to the committee, it has been thought advisable to lay it before Congress and the country as showing the brutal and inhuman policy of the men who instigated and guided the rebellion, and as being, in that particular, intimately connected with the attempts that were made to burn the cities of the north, to destroy its commerce on the rivers, lakes, and the ocean, without regard to the loss of life, and finally with the assassination of the President of the United States. In 1862 Jefferson Davis issued an order that all negro slaves captured in arms should at once be delivered over to the executive authorities of the respective States to which they belonged, to be dealt with according to the laws of such States, and that the like order be executed in all cases with respect to all commissioned officers of the United States army found serving in company with armed slaves in insurrection against the authority of the different States of the confederacy. By the statutes of South Carolina slaves or other negroes engaged in mutiny and insurrection were to be tried by two justices of the peace and three freholders, associated together, who were empowered and authorized to inflict the punishment of death upon such offenders.

On the 13th of June, 1863, S. S. Anderson, assistant adjutant general to E. Kirby Smith, and by his direction, addressed a letter to General R. Taylor, dated at Shreveport, in which that writer says, in answer to a communication of Brigadier General Herbert, asking what disposition should be made of slaves taken in arms, that "No quarter should be shown them. If taken prisoners, however, they should be turned over to the executive authorities of the States in which they may be captured, in obedience to the proclamation of the President of the Confederate States." * * * * *

"Should negroes thus taken be executed by the military authorities capturing them, it would certainly provoke retaliation. By turning them over to the civil authorities, to be tried by the laws of the State, no exception can be taken."

On the 13th of June, 1863, E. Kirby Smith writes to R. Taylor, commanding the district of Louisiana, and says: "I have been unofficially informed that some of your troops have captured negroes in arms. I hope this may not be so, and that your subordinates who have been in command of capturing parties may have recognized the propriety of giving no quarter to armed negroes and their officers. In this way we may be relieved from a disagreeable dilemma. If they are taken, however, you will turn them over to the State authorities to be tried for crimes against the State; and you will afford such facilities in obtaining witnesses as the interests of the public service will permit."

Again: Smith, writing to General S. Cooper, adjutant and inspector general, June 16, 1863, encloses two letters addressed to General Taylor, and says: "Unfortunately such captures were made by some of Major General Taylor's subordinates."

Jefferson Davis, in his message to the rebel legislature, January 12, 1863, referring to the proclamation of emancipation of January 1, of that year, says that "by it the negroes are encouraged to general assassination of their masters by the insidious recommendation to 'abstain from violence unless in necessary self-defence.' Although our own detestation of those who have attempted the most execrable measure recorded in the history of guilty man is tempered by profound contempt for the impotent rage which it discloses, so far as regards the action of this government on such criminals as may attempt its execution, I confine myself to informing you that I shall, unless in your wisdom you deem some other course more expedient, deliver to the several State authorities all commissioned officers of the United States who may hereafter be captured by our forces in any of the States embraced in the proclamation, that they may be dealt with in accordance with the laws of those States providing for the punishment of those criminals engaged in inciting servile insurrection."

On the 1st of May, 1863, the rebel congress passed a series of resolutions

on the subject of retaliation. The fourth resolution (sec. 4) declares that "every white person, being a commissioned officer, or acting as such, who, during the present war shall command negroes or mulattoes in arms against the Confederate States * * * shall be deemed as inciting servile insurrection, and shall, if captured, be put to death or be otherwise punished at the discretion of the court." The seventh resolution of the series declares that "all negroes and mulattoes who shall be engaged in war or be taken in arms against the Confederate States, or shall give aid or comfort to the enemies of the Confederate States, shall, when captured in the Confederate States, be delivered to the authorities of the State or States in which they shall be captured, to be dealt with according to the present or future laws of such State or States."

This policy of the rebel authorities was modified in the following year. But the declarations made and the acts done in pursuance of these declarations are conclusive proofs of the brutal and malignant feelings by which the leaders of the rebellion were controlled, and rendered it not only possible but probable that they would at once engage in projects for the assassination of the chief men of the republic.

The documents found in the rebel archives at Richmond fully sustain the statements that have been made by persons in the service of the United States concerning the inhuman treatment of Union soldiers in southern prisons, and leave no doubt that Jefferson Davis and the rebel authorities had knowledge of this treatment, and that they took no effective measures in behalf of humanity. Indeed, it is more than probable, from the evidence thus disclosed, that it was part of the policy of the rebel authorities to impair the effectiveness of the Union army by systematic ill treatment and starvation of prisoners. Davis says, in his message to the rebel congress of November, 1861, after reciting what he alleges to be the atrocities of the United States forces: "If they convert their soldiers into incendiaries and robbers, and involve us in a species of war which claims non-combatants, women and children, as its victims, they must expect to be treated as outlaws and enemies of mankind. There are certain rights of humanity which are entitled to respect, even in war, and he who refuses to guard them forfeits his claim, if captured, to be considered as a prisoner of war, but must expect to be dealt with as an offender against all law, human and divine."

Again: in his message of August, 1862, he says: "No method remains for the suppression of these enormities but such retributive justice as it may be found possible to execute; retaliation in kind for many of them is impracticable;" * * "but stern, exemplary punishment can and must be meted out to the murderers and villains who, disgracing the profession of arms, seek to make of public war the occasion for the commission of the most monstrous crimes." * * "Nothing remains but to vindicate our rights and maintain our existence by employing against our foes every energy and every resource at our disposal."

Reports of the condition of the prisons of the south made by rebel officers fully sustain the declarations and threats of Davis in the extracts above quoted. In September, 1862, a report was made by a committee of the house of representatives of the rebel congress. The committee say that they "visited the hospital of the sick and wounded of our enemies now in our custody, and found all of the wards in a wretched condition. The upper ward was such as to drive the committee out of it almost instantly. The honor of our country will not permit us to bring the matter to the attention of Congress, thereby making the matter public."

Accompanying the report was a resolution by which the chairman of the committee was instructed to address a letter to the secretary of war in relation to the condition of prisoners confined in the hospitals at Richmond, above referred to, and urging him to have the same placed in a more comfortable condition as soon as possible.

In May, 1863, a committee of the rebel house of representatives was appointed to examine into the condition of the prisoners confined in Castle Thunder prison. Reports were made by the majority and minority of the committee, and they agreed in condemning the management at the prison. In the minority report it is stated that the acts committed and complained of most were the killing of two prisoners, the shooting of a third, and the infliction of corporal punishment by whipping on the bare back, [in accordance with instructions from General Winder, but unsupported by law.] and confining prisoners in the prison yard, exposed to the weather. The minority say, further, that they think the infliction of corporal punishment administered by Captain Alexander was illegal and improper; that the punishing by exposing prisoners to the weather was improper and unwarranted, and that the order to shoot at those who came to the windows was unjustifiable; but inasmuch as it is not known that any serious consequences resulted from those acts, and inasmuch as they appear to have been resorted to by Captain Alexander, not from any wantonness or cruelty, but from a desire to maintain proper discipline, and perhaps from an erroneous conception of his rights and powers as keeper of such a prison, it is recommended that no further action be taken by the house.

The majority report and minority report above referred to concur in the exculpation of the officers of the prison. A second minority report, which appears to have been made by a Mr. Herbert, says that he is of the opinion that "Brigadier General Winder and Captain Alexander, who have had superintendence of Castle Thunder, have shown a want of judgment and humanity in the management of that prison, deserving not only the censure of congress, but prompt removal from the position they have abused." Winder was still retained in charge of the prison as late as January, 1864. One T. O. Stevens writes to Jefferson Davis, and asks for the removal of General Winder. He states that Winder is universally disliked, and by many detested. In this letter various charges of a personal nature are made against Winder.

About this time Henry Brown, post chaplain of Camp Lee, writes to the secretary of war, and calls attention to the fact that "the Yankee deserters confined in Castle Thunder will freeze unless something is speedily done." This letter is referred to the provost marshal, who admits that the complaints are well founded; that he has forwarded repeatedly complaints of a similar character, and that no remedy has been furnished. He says: "I do not doubt that there has been considerable loss of life already at the Libby and Castle Thunder from this cause. The fault is with those officers whose duty it was to furnish a supply of fuel and who have not made proper provision."

The report from the inspector of prisons at Cahaba, Alabama, in the autumn of 1864, shows that the food issued to the prisoners was poor in quality and insufficient in quantity. A similar report made by R. S. Whitfield, surgeon in charge of the prison at Cahaba, dated March 31, 1864, states that the sleeping arrangements consist of rough bunks but recently constructed, accommodating but 432, so that 228 are forced to sleep upon the ground, with but one fireplace in the building. All the fires, about forty in number, have been until the past few days built at intervals upon the floor. In September, 1864, R. H. Chilton writes a letter to John H. Winder, dated Andersonville, Georgia, in which he gives certain extracts from the reports of military prisons at Andersonville, Georgia. The report says. "There is no medical attendance furnished within the stockade. Small quantities of medicines are placed in the hands of certain prisoners of each squad or division, and the sick are directed to be brought out by the sergeants of squads daily at sick-call to the medical officers who attend at the gates. The crowd at these times is so great that only the strongest could get access to the doctors; the weaker ones being unable to force their way through the press, and the hospital accommodations are so limited that, though

the beds (so called) have all, or nearly all, two occupants each, large numbers who would otherwise be received are necessarily sent back to the stockade. Many (twenty yesterday) are carted out daily who have died from unknown causes, and whom the medical officers had never seen. The sanitary condition of the prisons is as wretched as can be, the principal causes of mortality being scurvy and chronic diarrhoea. * * * Raw rations have to be issued to a very large proportion, who are entirely unprovided with proper utensils, and furnished so limited a supply of fuel, they are compelled to dig with their hands in the filthy marsh before mentioned for roots, &c. * * * After inquiry, I am confident that by slight exertion green corn and other anti scorbutics could readily be obtained."

Surgeon Isaiah H. White says, in a report made, as we suppose, in November, 1864, that, "a large excess of funds at Andersonville will be turned over to the treasurer, because the commissary at that post has failed to supply himself with funds to meet requisitions, while thousands of sick, both at this post and Andersonville, are in a state of suffering that would touch the heart of the most callous."

From the indorsements on this report it appears to have been referred by the surgeon general to the secretary of war; by the secretary of war to the commissary general; by the commissary general to the quartermaster general, with the indorsement that the commissary general had furnished to the use of the hospitals all the money that could be obtained for that purpose. The quartermaster general returned the report to the secretary of war, with the declaration that the means at the disposal of his bureau had always been liberally supplied to the military prisons. By the order of the secretary of war the report appears to have been filed without anything being accomplished for the relief of the prisoners.

As late as January, 1865, a report was made by Colonel H. Forno to General Winder, with reference to the military prisons of South Carolina. In this report it is stated that "the subsistence department is entirely deficient, and the ration issued daily amounts almost to starvation. There have been but two issues of meat in the last two months, and scarcely any syrup." This report was referred to the adjutant and inspector general; then to the commissary department; then returned to the inspector general; then referred to the secretary of war, and by him referred to the secretary of the treasury, who returned it to the secretary of war, and then, by order of the assistant secretary of war, the paper was filed without any action being taken for the relief of the prisoners.

On the 12th of October, 1864, one Sabin Dismukes writes to Jefferson Davis from Stateburg, South Carolina, and encloses an article from the Sumter Watchman which contained an account of the sufferings of prisoners at Florence.

In her letter this woman says, "If such things are allowed to continue, they will most surely draw down some awful judgment upon our country. It is a most horrible national sin that cannot go unpunished. If we cannot give them food and shelter, for God's sake send them back to Yankee land, but don't starve the miserable creatures to death."

The article from the Watchman is incorporated into this report, and it is herewith submitted to the House. It appears to be a truthful account of the condition of many thousands of our Union soldiers, and it cannot be read without the deepest emotion, nor without the conviction that the horrors of that prison far surpassed all the doings of the most savage races in the most barbarous ages of the world. This communication was referred by Davis to the secretary of war, by him to the adjutant general, who referred it to General Winder, who returned it to the adjutant general with this indorsement: "The prisons in South Carolina are not under my command. I can give no information, nor can I express an opinion." The secretary of war then referred it to General Gardiner, who referred it to Colonel Harrison, the commandant of the prison at Florence, who referred it to Lieutenant Colonel Iver-

son, who, on the 17th of December, 1864, makes a report thereon in the form of an indorsement.

The following is the article from the Sumter Watchman:

A.

THE PRISONERS AT FLORENCE.

MR. EDITOR: It may not be uninteresting to your numerous readers to hear something from the Yankee camp at Florence. Your correspondent went over, upon the summons of one of those ominous O. B.'s, which the times have made more familiar than agreeable, to take a drove of cattle to the camp. Our party had in charge animals of all sizes, sexes, and conditions, from the patriarch of the herd, whose seamed and wrinkled front bore the marks of many a bloody battle, to "old crumpie," who had served her day at the milk pail, and whose constitution was evidently unable to stand the blasts of another March. We lost three on the way; two straggled and one fell from exhaustion. The buzzards, after all, were not cheated of their long-expected prey. The country through which we travelled is "flat, stale, and unprofitable." The crops are poor, and every cotton field destroyed by the "army worm," as if in imitation of its more intelligent namesake. No object of curiosity was encountered on the way, unless we take into account the "long bridge" over what the natives call "Spawa swamp." Most of the houses were uninhabited, with fences and outbuildings going to ruin.

"No product now the barren fields afford,
But men and steel, the soldier and the sword."

THE CAMP

we found full of what were once human beings, but who would scarcely now be recognized as such. In an old field, with no enclosure but the living wall of sentinels who guard them night and day, are several thousand filthy, diseased, famished men, with no hope of relief except by death. A few dirty rags stretched on poles give some of them a poor protection from the hot sun and heavy dews. All were in rags and barefoot, and crawling with vermin. As we passed around the line of guards I saw one of them brought out from his miserable booth by two of his companions and laid upon the ground to die. He was nearly naked. His companions pulled his cap over his face and straightened out his limbs. Before they turned to leave him he was dead. A slight movement of the limbs, and all was over—the captive was free! The commissary's tent was near one side of the square, and near it the beef was laid upon boards preparatory to its distribution. This sight seemed to excite the prisoners, as the smell of blood does the beasts of the menagerie. They surged up as near the lines as they were allowed, and seemed, in their eagerness, about to break over. While we were on the ground a heavy rain came up, and they seemed greatly to enjoy it, coming out *a puris naturalibus*, opening their mouths to catch the drops, while one would wash off another with his hands, and then receive from him the like kind office. Numbers get out at night and wander to the neighboring houses in quest of food.

From the camp of the living we passed to the camp of the dead—the hospital; a transition which reminded me of Satan's soliloquy—

"Which way I fly is hell; myself am hell.
And in the lowest deeps, a lower deep,
Still threatening to devour me, opens wide."

A few tents, covered with pine tops, were crowded with the dying and the dead in every stage of corruption. Some lay in prostrate helplessness; some had crowded under the shelter of the bushes; some were rubbing their skeleton

limbs. Twenty or thirty of them die daily; most of these, as I was informed, of the scurvy. The corpses lay by the roadside waiting for the dead cart, their glassy eyes turned to heaven, the flies swarming in their mouths, their big toes tied together with a cotton string, and their skeleton arms folded on their breasts. You would hardly know them to be men, so sadly do hunger, disease, and wretchedness change "the human face divine." Presently came the carts; they were carried a little distance to trenches dug for the purpose, and tumbled in like so many dogs; a few pine tops were thrown upon the bodies, a few shovels-full of dirt, and then haste was made to open a new ditch for other victims. The burying party were Yankees, detailed for the work; an appointment which, as the sergeant told me, they consider a favor, for they get a little more to eat and enjoy fresh air.

Thus we see at one glance the three great scourges of mankind—war, famine, and pestilence; and we turn from the spectacle sick at heart as we remember that some of our loved ones may be undergoing a similar misery.

"Man's inhumanity to man makes countless millions mourn."

Soon 8,000 more will be added to their number, and where the provisions are to come from to feed this multitude is a difficult problem. Five thousand pounds of bacon or ten thousand pounds of beef daily seems, in addition to more urgent draughts upon her, far beyond the ability of South Carolina.

The question is, are we not doing serious injury to our cause in keeping these prisoners to divide with us our scanty rations? Would it not be better at once to release them on parole?

HOWARD.

D. 132S.]

HEADQUARTERS FLORENCE MILITARY PRISON,
December 17, 1864,

Respectfully returned. Howard visited Florence, when necessity forced the removal of prisoners here without any preparation whatever being made for their proper care or subsistence. In my opinion, if one of those ominous O. B.'s was sent him to report to the front, there would be no danger of his exciting the nerves of ladies, and it might, perhaps, do the service some good. Mrs. Dismukes may rest easy and quiet in reference to the treatment of prisoners at this prison, for, since I assumed command, (the 10th October, 1864,) the deaths have decreased, from thirty-five to forty per day, to one single demise, which my hospital and sexton's report shows, for the last twenty-four hours. I call attention to the fact that the prisoners were all brought here from other prisons, and solicit inquiry as to their improvement or still further degradation, and challenge any prison in the confederacy, taking everything in consideration, for health, cleanliness, neat-looking prisoners, neat-burial grounds, &c. They are given everything the government issues to them.

I am, very respectfully, your obedient servant,

JOHN F. IVERSON,
Lieutenant Colonel Commanding.

[Received Florence military prison December 17, 1864.]

On the 18th of February, 1865, Bradley T. Johnson asks General Gardiner to remove Captain J. M. Goodman from the office of post quartermaster at Salisbury prison for inciency. In that letter he says: "The only hospitals are buildings within the prison enclosure, where the only amelioration we can give to their sufferings are pine bunks and straw to lie on; without them they lie on the bare floor or earth with little or no covering." On the 1st of February Doctor Wilson, surgeon of the prison, made a requisition for 10,000 pounds' of straw,

and also 100 bunks. Up to the 13th of February, he had received 800 pounds of straw and no bunks. The sick, therefore, lay on the bare ground, and from the 1st to the 31st of January 732 of them died. From February 1 to February 13, 275 died. He says, further in this letter: "This country abounds in straw. For a country as full of wood as this, energy and methodized industry would have formed a depot to provide for such contingencies as a temporary failure of supplies." In the early part of 1865 Governor Vance, of North Carolina, wrote to the rebel secretary of war, and states that the prisoners at Salisbury are suffering terribly. A report made by Captain Hall says: "The ground upon which the prison is situated is red clay, and in time of rain this clay held the water and made the prison a perfect bog for a long time afterwards. There was no drainage to the place, and the pools of filthy water would, he feared, be certain to create a pestilence in warm weather. There was no stream running through the place." According to the same report the number of prisoners confined at Salisbury in the month of October, 1864, was 10,321, and of this number 3,419 had died previous to February 17, 1865.

The foregoing extracts present a small portion only of the evidence contained in the letters and documents found in the rebel archives concerning the condition and treatment of Union soldiers in the prisons of the south. It is true, that various excuses were made from time to time for these outrages upon humanity and the rules of war by those in authority at Richmond—such as the refusal of the United States government to exchange prisoners and their own inability to furnish supplies. But the fact still remains, that from the year 1862 to the close of the rebellion, the authorities were fully and frequently informed, as well by letters and communications from private persons as by official reports, that the prisoners in their custody were suffering every conceivable horror, and dying in great numbers daily, in consequence of the treatment they endured at the hands of the subordinates of the Richmond government. And it also remains a well-established fact that no really efficient effort ever was made at any time to remove or diminish the evil.

The remaining testimony to be examined and considered relates to the complicity of Jacob Thompson, C. C. Clay, jr., and Jefferson Davis, in the assassination of President Lincoln. In a letter written by C. C. Clay, jr., to President Johnson, dated Fortress Monroe, November 23, 1865, he says:

"Had your proclamation charged me with the very act of Booth, I should not have been more surprised and amazed than I was at being charged with concerted the crime. I had been absent from Canada nearly six months, had never known or heard of Booth, or either of those charged as his immediate accomplices, and had not, to my knowledge or belief, ever seen him, or either of them."

This letter to the President was written for the purpose of obtaining a release from confinement, and contains a positive denial of all complicity in the assassination of President Lincoln. One of the reasons stated by the writer in his behalf is, that he had been absent from Canada nearly six months. If this statement were true, it would not tend, in any considerable degree, to exculpate Clay, if there were evidence tending to implicate him in the assassination. But its falsity goes far to show that he had some reason for attempting to conceal the fact as to the time when he left Canada; and inasmuch as the statement was made in order to relieve himself from the charge contained in the President's proclamation, it has a strong tendency to convict him of complicity in the deed.

A letter, dated "Montreal, December 10, 1864," addressed to J. Thompson, and signed "T. E. Hope," is in the handwriting of C. C. Clay. This is apparent from a comparison of the letter with Clay's handwriting, and is also established by the testimony of Major Richard Montgomery. This letter is referred to in the synopsis of the Clay correspondence, and is marked LIII.

The Richmond Enquirer, of December 15, 1864, contained a "personal" copied from the New York News, of December 1, as follows:

"November 20, 1864.—H. L. Clay, Richmond, Virginia: Yours and B.'s received. Will try to leave, as suggested, by 1st December, and may go to Mexico. Am very well. Rob. and wife with me. He improving. T. E. Lacy."

The names "T. E. Hope" and "T. E. Lacy" were the assumed names of C. C. Clay, under which much of his correspondence was conducted. In an indorsement upon a letter, dated New York, January 12, 1865, without signature, addressed T. E. Hope, Clay admits it to be his assumed name. The indorsement is signed C., jr.

The fact that this "personal" was written by C. C. Clay is established by a letter from H. L. Clay, brother of C. C. Clay, to the wife of the latter, dated Richmond, Virginia, December 7, 1864, in which he transmits the "personal" from New York News, dated November 20, 1864, signed "T. E. Lacy."

It is probable that Clay intended to leave Canada by the 1st of December, 1864, and it is possible that he made the attempt to run the blockade, and subsequently returned to Halifax, if not to Canada. On the 17th January, 1865, H. L. Clay wrote a letter to the wife of C. C. Clay, dated "Richmond, Virginia," in which he says :

"I have just seen General Singleton, of Illinois, here, by permission of Lincoln and Davis. He tells me that brother C. will not attempt to run the blockade at Wilmington, but will certainly go to Mexico, and thence to Texas. As a reason for that he says, besides apprehension of capture, my brother C. has been employed by a gentleman in Massachusetts (a Mr. Pierce) to look after a large (landed perhaps) interest in Texas. I tell you this to quiet your fears for his safety, and to let your patience have its perfect work."

A letter signed "Rob.", which was written to C. C. Clay by Robert Brown, his nephew, dated St. Catharines, 19th December, 1864, commences with this paragraph :

"My Dear Uncle: Your esteemed note from Quebec, 11th instant, came to me 'O. K.' and I hasten to answer it, hoping this will reach you before you leave Halifax."

This paragraph renders it certain that Clay was at Quebec as late as the 11th of December, 1864, or within about four months preceding the assassination.

In addition to the foregoing testimony, derived from papers found in the rebel archives, there is in the War Department the affidavit of Hiram Lewis Hall, of Toronto, Canada West, who states that he has known Clement C. Clay for fifteen or twenty years; that he saw him frequently in Canada—Toronto, St. Catharines, and elsewhere, and that he met Mr. Clay at Toronto in December, 1864, shook hands with him, and bade him good-bye, as he was starting from Montreal to take ship with the intention of running the blockade, and reaching the southern States; that at that time he supposed he had gone, but that some time after New Year's, 1865, he met him again, when Mr. Clay said he had failed to run the blockade, and had returned to Canada.*

The first illusion in point of time made to the presence of Clay in the south among all the papers in possession of the government yet examined, is a letter dated at Richmond, March 8, 1865, and written by H. L. Clay to C. C. Clay, jr. This letter contains the following words :

"Your indorsement upon a letter of sister to Celeste, brought yesterday by Captain Hudson, is the only direct intelligence I've had from you since the telegram announcing your arrival at Charleston."

* George B. Hutchinson testified before the military commission that he "last saw Clement C. Clay at the Queen's hotel, Toronto, about the 12th or 13th of February." (See Pitman's Trial of the Conspirators, page 37.)

The evidence upon this branch of the subject establishes beyond reasonable doubt the fact that Clay remained in Canada into the months of January and February, 1865, and necessarily convicts him of a false statement in his communication to the President upon a point which he deemed important as exculpating himself from the charge of complicity in the assassination of President Lincoln.

The statement of Clay that he had never known any of the persons accused and convicted of participating in the assassination of President Lincoln is shown to be false by the evidence of Richard Montgomery, as reported in the testimony taken by the military commission. Montgomery says: "I have seen Lewis Payne, the prisoner at the bar, in Canada. I saw him at the falls in the summer of 1864. I saw him again and had some words with him at the Queen's hotel in Toronto. I had had an interview with Mr. Thompson, and on leaving the room I met this man Payne in the passage-way talking with Mr. Clement C. Clay. Mr. Clay stopped me and held my hand, finishing his conversation with Payne in an undertone, and when he left me for a moment he said, 'Wait for me; I will return.'" (Conspiracy Trial, page 24.)

Clay, while in Canada, acted under the following commission:

"RICHMOND, VIRGINIA, April 27, 1864.

"SIR: Confiding special trust in your zeal, discretion, and patriotism, I hereby direct you to proceed at once to Canada, there to carry out such instructions as you have received from me verbally, in such manner as shall seem most likely to conduce to the furtherance of the interests of the Confederate States of America which have been intrusted to you.

"Very respectfully and truly yours,

"JEFFERSON DAVIS.

"Hon. C. C. CLAY, Jr., &c., &c., &c., Richmond, Va."

This commission is written upon despatch paper, and appears to be in the handwriting of Benjamin.

It is well established by letters and documents derived from rebel sources, and now in the archives of the government, that Clay, under this commission, was instrumental in organizing and executing, with more or less success, the raids upon the cities and towns along the border, the plans for the introduction of pestilence, the organization of conspiracies to liberate the prisoners confined in Camp Douglas, Chicago, to destroy our commerce on the rivers, lakes, and ocean, and finally to thwart and overthrow the government, if possible, by inciting a new rebellion in the north.

It is also ascertained that Jacob Thompson, Beverley Tucker, George N. Sanders, W. C. Cleary, Bennett H. Young, and K. J. Stewart were employed in Canada as secret agents for the confederate authorities. In June, 1864, said Young, as directed by James A. Seddon, rebel secretary of war, proceeded without delay to the British provinces, under temporary appointment in the provisional army, and reported to Thompson and Clay for instructions.

He was authorized by Seddon to collect escaped prisoners to the number of not more than twenty, and to execute such enterprises as might be indicated, implicitly obeying the instructions of Thompson and Clay. Confidential instructions were also given by Seddon in cipher, in which Young was ordered to reconnoitre the towns near the enemy's northwestern frontier, and to take the one being most exposed, and sack, burn, and destroy banks, public buildings, stores and storehouses, railroad depots, mills, factories, cars, bridges, and such houses and barns belonging to their enemies as he might think proper. He was ordered not to allow retaliation on women and children or on unarmed and defenseless citizens. And then Seddon proceeds to say: "It is but right that the people of New England, and Vermont especially, some of whose officers and

troops have been foremost in these excesses and whose people have approved of their course, should have brought home to them some of the horrors of such warfare. It is but just retribution and retaliation." He says further: "You are aware that other officers have also received authority similar to yours. Your respective commands are independent of each other." * * * * "After the duty assigned to you all at Chicago is performed you will visit Burlington and St. Albans, Vermont. Others will visit other points as instructed."

These instructions were dated August 20, 1864, and directed to Bennett H. Young at Chicago. On the 31st of the same month Young makes a report, also in cipher, from Chicago, in which he gives a muster-roll of his command, which he calls "*The 5th Confederate State Retributors*." Upon the roll are the names of several persons who were afterwards concerned in the raid upon St. Albans. He says: "I shall, I think, after a reconnaissance, attack Burlington or St. Albans, Vermont. I cannot fully decipher my instructions of the 20th of this month." * * * "The agumentation of federal troops here and the fears of some of the so-called peace copperheads in the convention prevents the carrying out of our plans to release the prisoners in the federal bastile here."

On the 30th of November, 1864, K. J. Stewart writes from Toronto, Canada West, to Jefferson Davis, in which he says: "If Mr. B. has not as yet sent me the triplicate of check for \$20,000,000, I will thank your excellency to have the enclosed put in Rd. Enq. among the 'personals,' and also to send a courier through to me with a line to Hon. J. Thompson, stating the fact that the check was drawn and advising him to consult me in any future raids, &c. These raids, of which Mr. T. has said to me 'they have all gone wrong,' have only served to create additional espionage and vexation to our own friends, without materially crippling the enemy or hastening peace. We should *strike hard* when we do strike, or we beget hatred instead of fear." * * * "I also desire to express my conviction that *much, very much*, can be done from this side if you will give me time and money and these fruitless raids are stopped."

It is probable that Stewart was insincere in his condemnation of the raids undertaken by Thompson, for in another paper, which was sent to Davis, he says: "In order to deceive the enemy, I will send to your excellency by signal corps an occasional communication decrying these raids, &c., as I have caused already a letter to be sent to Mr. B. containing a manifesto inciting the negroes in Washington city to revolt." In the communication last referred to he says: "I propose that the men *used here* shall be formed into a partisan corps after *present service is performed*, and each one be regarded as an officer who shall have the privilege of hiring five or more servants, (colored.)" * * * We can enlist ten men here where the enemy can enlist one. Strategy of an aggressive character can be used here to *tremendous effect*.

"If Colonel T. has already created so much alarm and annoyance (and I acknowledge it is very great and expensive) by so many failures, how much more can be done by *one great success*."

It is probable, also, that a letter to Davis, dated Toronto, Canada West, December 12, 1864, in which he condemns the act of sending boxes of small-pox clothing to Washington, was written for the purpose of deceiving the authorities of the United States in reference to the character of the policy by which he and his associates in Canada were controlled. (The letter is, however, an admission that \$100 public money was there paid to one Hyams, shoemaker, for services rendered in conveying boxes of small-pox clothing to be sold at Washington.)

In the same letter he says: "I regard it as a kind and merciful providence that has delayed my own action by causing the check for \$20,000, sent by the signal corps, to fall into the enemy's hands, for otherwise I should have been endangered by these abortive attempts of others;" while in his letter of the

30th of November he desires to have a triplicate of the check sent and a notice published in the Richmond Enquirer, of which the following is a copy:

"The New York News will please advise Mrs. Jacobs that she is authorized to pay Mr. Richmond the amount specified by him for the benefit of my children."

"J. DAVIDS."

This notice is interpreted as a direction from Davis himself to Jacob Thompson to pay \$20,000 of secret service money in Thompson's hands to Stewart for the purpose indicated in his communication to Davis of the 30th of November. As will be seen hereafter, the secret service money was placed in the hands of Davis, and subject to his exclusive control, and applied to those purposes only that received his personal approval.

On the 25th of October, 1864, J. P. Benjamin, secretary of state, writes to J. A. Seddon, as secretary of war, asking for a pass for Chaplain S. F. Cameron, who is, as he says, "employed with Mr. Stewart on a secret service, according to an understanding with the President, and the chaplain will want to pass through our lines on his way to Canada, accompanied by two friends." It appears that the pass was given, and it establishes the fact that Stewart was the secret agent of Davis, following his directions, and that he was paid out of the secret service fund.

It appears from the records obtained from Richmond that on the 15th of February, 1864, J. P. Holcombe was commissioned by Davis as special commissioner to proceed to the British provinces, North America. He was directed to report at Halifax to the lieutenant governor. This despatch was signed by J. P. Benjamin. On the 24th of the same month Benjamin writes to Holcombe and encloses \$8,000 to accomplish the object mentioned in his letter of the 19th instant. He says, further: "As this sum is furnished by the President from the secret service fund, your accounts will not pass through the treasury, but will be settled in this department." * * * * "The remaining three thousand dollars are paid in compensation of your personal services," &c. Benjamin then proceeds to say:

"For any sum that you may pay out of these five thousand dollars under circumstances or for purposes that do not permit your taking receipts, you will furnish a certificate on honor, which will be received as a sufficient voucher."

On the 14th of March, 1864, J. A. Seddon, as secretary of war, authorizes one J. C. S. Blackburn to enlist a company of men, not to exceed fifty in number, for special service on the Mississippi river. In lieu of pay or other compensation they were to receive such percentage of the value of all property of the enemy destroyed by them as might be awarded by an officer selected by the department in charge of such duty, but in no case to exceed fifty per centum of the value. When Blackburn had enlisted twenty-five men he was to receive a commission as captain in the provisional army, but without pay. Other orders of a similar character were issued to various persons. Among others, J. Y. Beall was commissioned in the special service of the rebels for the destruction of our commerce on the Chesapeake bay and the northern lakes. This Beall is the person who was afterwards executed in New York.

The following entry is in one of the books of the rebel war department, marked "Letters Received:"

"Alston, Lt. W. Is a Lt.—Offers his services to rid the country of some of its deadliest enemies."

Endorsed :

"A. G. For attention. C."

This letter is hereafter referred to and quoted by the committee, in connexion with other documentary evidence, tending to show that Davis entertained propositions for the assassination of the principal officers of the United States government.

There is also a letter from R. A. Alston to the rebel secretary of war, dated "Headquarters Morgan's command, Decatur, Georgia, February 28, 1864." The writer says: "I addressed you a communication above ten days ago in regard to the matter which you were kind enough to discuss with me when I was in Richmond. I have anxiously awaited your reply, and for fear that my letter may have miscarried, I again take the liberty of calling your attention to the subject. General Morgan, with such of his men as he can get mounted, will start on an expedition in about eight days; I will accompany him, unless I hear from you in the mean time."

This communication may be from the person referred to as Lieutenant W. Alston. But in any event, both persons, if there were two, belonged to Morgan's command, and the letter of R. A. Alston is conclusive upon the point that the subject which he had discussed with Seddon when in Richmond did not relate to the business in which General Morgan was engaged with his command, as is apparent from the last sentence of R. A. Alston's letter.

The following entries are found in books containing the record of letters received in the rebel war department:

"J. Thompson, November 17, 1864, relating to physicians. (Bureau of War Proper; Index of Letters Received, No. 4, page 411.)"

In the same volume is the following entry: "Doctor J. W. Booth, November 19, 1864. Appeals. (Bureau of War Proper; Index, Letters Received, No. 4, page 43.)"

The fact that the subject of Thompson's letter was "physicians," and that Booth is styled "Doctor," renders it probable that both letters relate to the same matter. The letters themselves have not been found. A letter was found among the Clay papers, dated Toronto, September 2, 1864. The address and signature in the original have been cut out, but upon the outside is an endorsement of the word "Young's." It is in the handwriting of C. C. Clay, junior. On the outside of the first sheet the superscription "Hon. C. C. Clay, junior," has been partially erased. There cannot be much reason to doubt that the letter was written by Bennett H. Young to C. C. Clay, jr. The following is a copy of the communication:

"TORONTO, September 2, 1864.

"In accordance with your orders, I left St. Catharines Friday evening, August 27, for Chicago, to engage with my company in the enterprise contemplated by yourself and Colonel Thompson for the release of Camp Douglas prisoners. Upon reaching Chicago we found that already a strong guard had been collected and veteran regiments were still arriving. One regiment was placed in the enclosure with the confederates, and (16) sixteen pieces of field artillery were parked ready to open upon those defenceless men in case an attack was made. It required no great amount of perception to see that an attempt to accomplish our object would result not only in their indiscriminate slaughter, but our own certain death. Under the circumstances, Captains Hines and Castleman decided to make no effort in that direction. We quietly waited until Wednesday night, hoping something would turn up by which we could benefit our suffering comrades and enhance the glory of the confederacy. It was then determined to make an attempt upon Rock island, if the copperheads would furnish a small portion of the long-promised aid. When brought to the test, Walker, Barrett, Dodd and company could not furnish 50 (fifty) men for the purpose. Hines and Castleman then admitted the thing a failure, and gave the men choice of returning to Canada or accompanying them to "Egypt," (southern Illinois.) The men, with few exceptions, decided to return. Thinking my instructions justified me, I ordered their return to Canada for the purpose of carrying out my original mission. After acting so unselfishly in this affair, and also obeying strictly my orders from Mr. Seddon, I was somewhat surprised to

find my own name and those of my men coupled with the epithet "deserter" by the other commissioner, and that to ladies in a public hotel. Had not my conduct been justified by my instructions, certainly the choice offered by Captain Castleman would exonerate them as well as myself. I have a desire to sustain my reputation as a soldier. I was sent here to perform a mission. I yielded all to your request, and do you now deem it justice to me to return me to Richmond without even an opportunity to do that for which I was sent? This other expedition failed through no fault of mine, and all I now demand is justice and a fair trial, which has certainly been accorded to others. Since being here I have tried to do my duty, and hardly imagine you can charge me as failing to do the same. I ask nothing, nor make no demand, save that which, justice and equality accord. If money is scarce, little will suffice. I will inflict loss, and make one trip pay the expenses of the next. Colonel Thompson orders me home. I refuse, for two reasons: first, the secretary of war reserved that right, and nowhere is it delegated to Colonel Thompson alone to order me; second, before an attempt and a failure to do that for which I was sent, have I any right to forego orders from Mr. Seddon in favor of those issued by Colonel Thompson? Again demanding justice, and a regard for my own reputation,

"I remain, yours, respectfully,"

[Signature torn out in the original.]

In apparent connexion with the foregoing letter is one from Jacob Thompson, which has been largely mutilated, but states that some person has received from Jacob Thompson in gold \$93,614 between July 29 and August 23, 1864; \$10,000 of which was paid by J. P. Holcombe. Following this statement, Thompson says: "Above you will find account, as it appears on my books." He then proceeds to say:

"While I am not prepared to justify your belief that Barrett is a spy, yet I am fully satisfied the whole effort has been a miserable failure. It is too late for Singleton to say this, since he has received and not accounted for \$13,000 from this same spy. I agree with you that we have fallen into the hands of men whose performance has fallen far short of their professions and apparent expectations. I shall take steps for my departure from this city, and from Canada. On yesterday, Mr. Burley, one of the Johnson Island men, was arrested. So we shall now have that affair fully ventilated. After the miserable failure at Chicago, by discovery, and the quiescent state of the northern public mind, I have but little hope of aid to the confederacy from this quarter. I have been expecting you for some time. Enclosed you will find a letter from Mr. McGinnis, whom I advised to go to Montreal and pay into your hands the money he had obtained at St. Albans. He offered to pay me the money, and when I told him I should at once turn it over to you, and therefore he had better pay it to you at once. And this he agreed to do. I suppose I shall see him no more. He wishes a statement from me, and it is just I should detail for him our conversation.

"Yours, truly,

"J. THOMPSON."

Although this letter is mutilated, and the name of the person to whom it is addressed effaced, it is still apparent that it was written to C. C. Clay, jr. The letter itself furnishes internal evidence leading to the same conclusion.

On the 15th of November, 1864, "J. D. McInnis," who is, undoubtedly, the person referred to in Thompson's letter, without date, writes to Jacob Thompson from Montreal, and says that, "upon arriving at this place, I found that the 'raiders' had refused to give up their money to Clay, and that he had left the place in a huff." Then he says: "I wish you to give me a letter, stating the facts in the case, and that I expressed my willingness to give up the money to Mr. Clay, if it would have any favorable bearing on the case of the

prisoners. It seems extremely har —— me [torn out in the original] that the prime mover in the affair should speak so severely of those who only did his bidding, and to whom he promised a release in twenty-four hours, provided they were arrested in Canada."

This letter convicts Clay and Thompson of the crime of inciting and organizing a raid which resulted in the destruction of St. Albans.

Another letter, dated Hamilton, September 20, is believed to be in the handwriting of Bennett H. Young, and a portion of the signature remains, showing that it was signed by Young. The name of the person to whom it was written is not given. Some of the words are removed, but the meaning of the whole is very clear. The following is a copy:

" HAMILTON, September 20.

" I am here this morning on my way to the falls to see Higbee, Denny & Co. The river has fallen five feet three inches in the last four days, and by a week from to-day will be in a condition for us to act. I am as hopeful and confident as of yore. I found an air-gun in Toronto—shoots thirty times and will kill a man eighty yards. I had rather, though, you would send Huntley to New York. He is a splendid mechanic, and I think we can secure a better article at a cheaper rate than here.

" Higbee, myself, and one other as a messenger, will leave Thursday or Friday for the scene of our operations unless you order otherwise. We can thoroughly arrange and perfect our plans by the time the men will be there. We will send you by messenger a concise and exact statement thereof. You can prepare greenbacks for us and send them by my messenger. In the mean time I will want for Higbee, Price, and myself five or six hundred dollars. I will send or come to-morrow. The air-guns will cost about twenty or twenty-five dollars in New York. They are needful, and will assist greatly in the safety, certainty, and despatch of our work. Six or eight men have returned from southern Illinois. Most of them go with me. I will leave Denny as executive officer in my absence. I will see you probably no more ere the attempt is made. You know now all that I know. But, Mr. ——y, [torn out in the original] let me beg of you to be careful who you tell of our intentions. Nicol is a very imprudent man, and told all in Toronto that you said to him. Mer may be brave and efficient in active service, but this is a field in which gre — —dence [torn out in the original] and certainly sobriety is demanded. We can and must do our work, and that at an early day. I hope ere long to gratify you by a report of success. All told I have now about twenty-seven men; I hope to make it thirty. I will give you the directions in my report how to send me men. I will never return, Mr. ——y, [torn out in the original], until I have done something. If — —thing [torn out in the original] else, may I destroy the northern border of Vermont and New Hampshire for 150 miles? Jacobus returned from Windsor last night. I will come or send to-morrow.

" Yours, truly,

" BEN. H. Y.—G—G."

One J. B. Castlenian appears to have been engaged in the west as the agent of Clay and Thompson in organizing secret societies and fomenting hostility to the government. The following letter was written by him, and, although the name of the person to whom it was addressed has been cut out, there is no doubt it was written to C. C. Clay, junior. The following is a copy as it appears on the files of the department, mutilated in some particulars:

" LOOKOUT, September 5, 1864.

" ——Y.:

" DEAR FRIEND: I have directed Shultz to see you before going to Toronto, and hand you the communication he bears. If you consider it favorably, please attend to it with the least possible delay. I apply for such authority because

of knowing the immense good that may in that way be accomplished. I will make to you frequent reports of work accomplished. Another thing of the utmost importance to me is the notification of the secretary of war of the cause of my detention, and a request made him that a notice to that effect be sent to General Morgan. My company and regiment are 'D,' second Kentucky cavalry. I shall rely upon your attending to this matter for me. I must confess I fear, at present, there is little hope for the accomplishment of any great good here. What can be done we will do, and shall rely upon the action of the people irrespective of their leaders. We will have no little difficulty in accomplishing much except through the assistance of their influential men, but their shrinking from responsibility leads me to believe they will do little. I am making arrangements to hold nightly meetings, and, by addressing the country people, shall hope to do something.

"Hunter has c— [torn out in original] adjoining district, and not having heard — [torn out in original] Saturday, know not what he is effecting. The cause of Vallandigham and his associates have had a very potent and equally undesirable influence upon the people. They are impressed with the belief that pledges of peace secured their co-operation, and to a peaceful solution they look with eager certainty.

"Present my kindest regards to Ben. Young. Excuse me for reminding you again of the urgent necessity for secrecy in the matter submitted to you. Please, on receipt of these, do me the kindness to go yourself to see Mr. Thompson, and whatever be your decision, send Shultz back at once. With many thanks for the kindness extended to me, to my mother and sisters, and to my comrades when near you, believe me, with true sincerity,

"Your friend,

"J. B. CASTLEMAN."

The following is a copy of a letter from the same person, addressed to "Gentlemen"—T. and C.—meaning, no doubt, Thompson and Clay:

"INDIANA, —, September 24, 1864.

"GENTLEMEN: You find herewith enclosed three extracts which will show for themselves. I regret to say that the greater portion of the business part of Cairo has been destroyed, and among the losses was some stock of my own which was sent there for investment. I was also so unfortunate as to have some lost on the steamer Jersey* burned, a copy of which disaster you'll find herein.

"For a few days past I have been in Indiana, and find business much more flattering than in Illinois. I return to the latter place to-day and so arrange matters in my district as to give Hunter charge of the business there, and what can be done here I shall do in conjunction therewith. I am going to Indianapolis if a house can be opened there at a reasonable cost. If Hunter is near you remind him of the most urgent necessity of returning to his business. There never has been in this country such a time for a profitable business, and the time must be taken advantage of. The machine in motion, its use will radiate from the point it is introduced. We shall set up shop from within ten to twenty days; and most likely about the former than the latter.

"Most respectfully, your obedient servant,

"C.

"Please deliver this to Messrs. T. and C."

The following letter, which appears to have been written by Thompson to Clay, has reference to the preceding letters written by Castleman to Clay:

* Partially erased in the original.

To [torn out in the original.]

"TORONTO, CANADA WEST, September 8, 1864.

"DEAR SIR: The proposition of Captain Castleman embarrasses me. It is evident that no authority of ours can protect him from consequences; and as he and those to be organized by him are officers and soldiers of C. S. A., we have no power to make details. This service, if rendered, would be valuable, but there is no way that I know of but for them to act on their own responsibility. One thing is certain: an authority given by us, if brought out, would place us in an awkward position to the Canadian authorities if a demand was made upon them by the United States. [Torn out in the original] At all events, it is a dangerous subject — — — — —le, [torn out in the original,] and one on which I feel unwilling to make documents which may be produced against us, and embarrass the parties who have them.

"I gave Dr. Hunter and Castleman, to take the men to Chicago and take care of them afterwards, \$24,000, and I write a letter to Castleman for our joint signature. If he wants money it is best for him to get it from Hunter—at all events, at first.

"I wish to write to you on other subjects, but have no time now, as Shutz is in a hurry to return.

"I am endeavoring to put the best face on things.

"Your obedient servant,

"J. T. [remainder torn out in the original.]

The following correspondence discloses the character of the means of bringing about a civil war in the west in the summer and autumn of 1864, and reveals the names of some of the persons engaged in the movement. The first letter is from C. C. Clay, junior, to Jacob Thompson. The following is a copy:

"WELLAN HOUSE, SAINT CATHARINES,

"July 11, 1864.

"Hon. J. THOMPSON,* Montreal:

"MY DEAR SIR: Walker goes off to-night to United States. He will try to prepare our friends to aid us in the contemplated move. Dr. Massey is here, son-in-law of Medary, and will stay until Friday. He is a high priest of the Sons of Liberty, and can be employed most usefully for us. He and W. might traverse Ohio, Indiana, and Illinois by 20th, and have all the organizations ready to act in co-operation. You had best come down here immediately and let them know all the plans—they can be communicated to W. by a special messenger—that they may go to work at once. They are only advised that certain confed. escaped prisoners can be employed to start the ball for them if their people will join in the play. They think it will take the fancy of their people, and they will take a hand. They only fear they will not be prepared for it, and will be surprised and stupefied without notice. You need not fear, as they are of the sworn brotherhood. Voorhies is to be here on Monday or Tuesday, and perhaps Ben. Wood. Indeed, I see people from the United States here daily who come to see me. You must not fail to come, and bring plenty of money. Indeed, you had best transfer your bank to Toronto. We can buy passes in United States which will serve our purpose, and two capital stump orators to travel anywhere. Come here as soon as you can; the proprietor and all the people here are your friends. I send this by him.

"In haste, truly yours,

"C., JR."

* Blotted in the original.

The following letter, without signature, was written by Clay to Thompson. This letter is addressed to "W. P. Carson," which was the assumed name of Jacob Thompson. The following is a copy:

"NIAGARA FALLS, C. W.,
"Friday, July 29, 1864.

"Mr. W. P. CARSON:

"DEAR SIR: Our friend had left on my arrival. Your telegraph only reached H. a few minutes since, owing, it is said, to some derangement of the line. He has replied by telegraph to your note brought by me. He expresses himself much surprised and disappointed at it, because, he says, Rw. and himself both understood you to authorize the investment, and Rw. had, before leaving New York, arranged to obtain the goods, after consultation with D. and [in original here follow several words crossed out.] He says Rw., D. and Sv. all left New York with the belief that the goods would soon be sent in small lots to the different points of advantageous sale, especially to Indianapolis, where they are deemed indispensable. There is more formidable competition there than was expected—fully eight hundred well-equipped competitors. The hazard you suggest was fully canvassed, and it was resolved to take it, as the goods were indispensable. However, they did not deem the hazard great. The party interested in the sale understands that delivery must precede payment except as to a small part, which was to be advanced, and which Rw. left here with the intention of advancing out of funds in his hands, and will doubtless do to-morrow, or before he can hear from us. He expected as soon as he [torn out in original] to pay for the goods to leave New York for the west to provide for their disposition in safe hands. He thinks the terms required would be offered Rw., because implying distrust of his fidelity, and, moreover, unnecessary, because in any event we must rely upon his fidelity for the faithful application of the money; hence he thinks it best not to communicate them to Rw., D., or Sv. At the same time, as their services are quite indispensable, he proposes that we forward the small portion of the sum required to be used as earnest of ability and purpose to pay on delivery, and he trusts you will provide the balance. He and I between us could make up about \$10,000, if we can negotiate our drafts, besides the gold I might forward immediately by the special messenger. I think, on learning all the facts, it is best to take the risk, for at best we run the risk of the goods being unavailable even after delivery at the point of destination. I wish your concurrence as the venture. If you concur on this statement of facts telegraph me 'I accept your invitation.' If you will not, telegraph 'I am obliged to decline your invitation.' We fear your non-concurrence will lose the benefit of Rw.'s, D.'s, and Sv.'s aid.

"Again, H. suggests, I think wisely, that your requirements are impracticable; the delay of communicating to and fro would postpone the matter beyond the time when it must be closed. Rw. said every hour was important, as the whole matter must be arranged by him in a short time. He preferred gold to be sent by special messenger. If it could not be had, then sterling bills of different amounts, which he could sell to different purchasers without exciting suspicion."

[No signature]

This correspondence connects Clay and Thompson with the treasonable organizations in the west, which were designed to bring on civil war in that region of country.

The following, without date, appears to be Thompson's reply to the foregoing communication. The signature is partially torn out, but the letters "J. Th—" remain. The letter is as follows :

"DEAR SIR: Your proposition is agreed to substantially, while I fear the experiment as possibly leading to exposure. Such is the fear of B., with whom I have talked. But the party selling must be interested in getting the barrels and accompaniments to the place of destination."

The original, of which the following is a copy, has this indorsement in pencil in the handwriting of Clay:

"Walker's letter of his purchase."

"AUGUST 3, 1864.

"The bearer has just arrived. His delay has been most unfortunate. My purchases amount to over \$75,000. These were made by *order*. It has been very difficult for me to arrange, with the addition of the funds in my office, to prevent trouble. I shall expect you to send me a draft to Indianapolis at the earliest possible moment for \$10,000 in gold (or sterling.) This I wish to send here to square my accounts. My reputation is involved in this, and I trust that you gentlemen in whom I have confided will not leave me to suffer. It was understood that \$50,000 (in currency) should be sent by me to Indianapolis. This answer ought to have been there before now. There are expenses to be incurred there which cannot be avoided. If you have not sent the \$50,000 please send \$10,000 in gold coin, at the time you send the draft for like amount. I start west to-night. Let me impress upon you the necessity of haste. Lose not a moment.

"X."

The following letter, which appears to have been written by Thompson to Clay, has reference undoubtedly to a movement in the west designed to bring on civil war:

"MONTREAL, C. E., June 9, 1864.

"To [torn out]—y:

"MY DEAR SIR: I have remained here for ten days waiting for you. [Torn out] to [torn out] appointment at Toronto [torn out] think I ought to go on. I wanted very much to see you and report progress; but I cannot account for your delay. I hope no accident has happened. I have communicated with New York. A most sensible reliable gentleman has met me here. In the present state of things I do not think anything is opened to us there. I go where I may familiarize myself with the condition of things in the west. George Saunders has gone to see Mr. V. He came from abroad, (Europe,) to do what he says he did not know we were intrusted to do, and he has gone on to do it. There is such a thing as spoiling broth by having too many hands in it. Cleary has been in Toronto for several days. He writes me to come on. I cannot do anything more for the present at this place. Li—[torn out] or hear from you as so—[torn out] as you get this.

"Yours, truly,

"J. T."

The following letter, written by Thompson to Clay, relates also to the same subject:

"TORONTO, CANADA WEST,
"June 11, 1864.

[“Torn out.]

"DEAR SIR: Arrived here yesterday, and to-day I leave for Windsor, an arrangement having been made previously for my coming there. Here I became acquainted with Judge Moore, of Kentucky, a true man. He left for Cincinnati last evening, and agreed, if possible, to have an interview with Mr. Pugh, and I requested him to say to Mr. Pugh that you wished to see him, and would meet him at the Clifton House, or such place as he might select. He is to telegraph Mr. Cleary, and Mr. Cleary will notify you. I want you to

see Mr. Pugh. Since I began to write this note I have been informed of your safe arrival at Montreal. When will you join me? because I should be glad to communicate all I know. I shall return from Windsor to this place—how soon I cannot say. I left a —— I left a note for—[torn out in original.]

"I am, ve—[torn out,] yr—]torn out.]

"J. T—[torn out.]"

The following letter, mutilated, written by James P. Holcombe to Clay, throws light upon the plans of the rebels in connexion with the conspiracies in the west:

"SUNDAY NIGHT, 10 J—[torn out.]
"Clifton H.

"M——y [torn out.]

"My friend has just left me. As I said to you, he was at first overwhelmed with the responsibility of speedy decision on so momentous a subject. He has been thinking of it ever since, and met with an intelligent and active friend from his State, who came to see me this evening, and who is sanguine as to immediate condition. My friend is not only satisfied that the time has come, but is ready and anxious to prepare as rapidly as possible. He had pondered your inquiries as to the feasibility of certain matters, and has made such pertinent—[torn out] ortant suggestions as to co-operation—[torn out] ost desirable for Carson to see him. I told you he would be one of the M. G. of his State. Our appearance, or his, under the circumstances, at Saint C. tomorrow would excite suspicion. He must leave in the 10 p. m. train. I write to beg Carson to come at 11, or, at all events, at 3.30. Let him come straight to my room, No. 7; and better not seem to know me, or to be seen with me. You [torn out] e him where the room is. Events in W. are likely to precipitate matters if a draft ordered. I am startled at the news, and feel that with activity and prudence Carson's designs may result in grandest *denouement*. I fear to write more explicitly. I hope the asthma is better. If C. can come I will look for no message; if he cannot, telegraph how your asthma is, and I will know it means he cannot be here. In haste truly,

"JAS—[torn out.]

"This may inform you a few minutes advance of your paper that Wallace whipped, retreating in disorder, and burning bridges; General Tyler prisoner; Colonel Seward wounded and prisoner; and advance yesterday at 11 a. m. sixteen miles from Baltimore; force supposed to be 20,000; some Memphis people I know here.

"I believe Captain Cole true. Some Memphis people know him. He is not smart, but I expect a bold, desperate fellow, and have detained him, thinking he would be useful. I give him ten dollars and pay his bill, but Carson must put him on his account, and at a cheap house, till needed, if he wants him. If he does not, please drop a line to that effect to me. If Carson is not there, detain him till he comes."

The evidence examined and thus reviewed and presented by the committee upon the preliminary branches of the case establishes, or tends strongly to establish, the following propositions:

First. The rebel authorities at Richmond proceeded systematically and criminally, and in violation of the dictates of our common humanity as well as of the usages of civilized war, to imprison, enslave, and destroy negroes employed as soldiers in the armies of the United States.

Second. They treated with gross injustice and brutal inhumanity those officers who were taken prisoners of war while in command of negro troops who were in the service of the United States.

Third. They systematically, knowingly, and maliciously subjected soldiers of the United States, taken prisoners in war, to the horrors of disease, to brutal exposure to the elements, and to wasting, fatal starvation, and all combined making a chapter of horrors, sufferings, and woes which has no parallel in the annals of any other people, civilized or barbarous.

Fourth. That Davis, Benjamin, Clay, and Thompson planned, organized, and incited the various schemes, expeditions, and conspiracies referred to in the testimony submitted, for the introduction of contagious and infectious diseases into the United States; for the destruction of our commerce upon the rivers, lakes, and ocean; for the release of prisoners at Johnson's island and Camp Douglas; for the indiscriminate destruction of private property upon the border, and the murder of the inhabitants; and, finally, for the overthrow of the government itself by the agency of secret and treasonable organizations in Canada and the States of the northwest.

These criminal acts are a bar to the plea which otherwise, perhaps, might with force and reason be tendered, that Davis and his associates named were incapable of the great crime of assassination.

Men who could remain quiet in the presence and with a full knowledge of the barbarities that were practiced by officers under their authority in the prisons and pens of Richmond, Andersonville, and Salisbury, and who justified themselves to themselves by the consideration that it was necessary to accomplish what they had undertaken, cannot now plead that it is improbable that they should have procured the assassination of those who stood in the way of the accomplishment of their design. It now remains for the committee to present the evidence tending more directly to implicate Davis, Benjamin, Clay, and Thompson in the assassination of President Lincoln.

We herewith submit copies of several papers found in the rebel archives, showing that propositions were made by different parties for the destruction of persons connected with the government of the United States, and in the indorsements thereon it appears that the propositions were not only not rejected but were entertained and considered.

The first of these is a letter from a man named De Kalb, dated Richmond, June 19, 1861, and addressed to the secretary of war. The writer says:

"Your honor is undoubtedly aware that on the fourth of next month the northern Congress assembles, and that the federal Capitol, as well as the public buildings, are undermined. In regard to this matter I very respectfully beg the honor of a few moments private audience. Most deferentially, your honor's obedient servant,

"CAMILLE LA VALLIERE DE KALB."

On this letter is the indorsement of the name of the writer, date of the letter, and the phrase "About blowing up the Capitol at Washington."

It seems from the following letter, dated June 20, 1864, that De Kalb had an interview with the rebel secretary of war, L. P. Walker, on the very day when the first communication by De Kalb was made; and it seems also from De Kalb's letter of the 20th of June, 1861, that Walker did not hesitate to employ him on account of any objections he entertained against the performance of the deed, but for the reason that De Kalb was a stranger to him. The following is a copy of De Kalb's letter of June 20, 1861:

"RICHMOND, June 20, 1861.

"Hon. P. WALKER,

"Secretary of War, Southern Confederacy :

"SIR : In reference to the subject upon which I had the honor to converse with you yesterday, and on account of which you bade me call to-day, I take here-with the freedom to address this most respectful writing to you.

"Your honor seemed to hesitate in giving me an affirmative answer to my statements because I were unknown to you. Permit me to remark, that notwithstanding I can give you no references in this country, I am, nevertheless, fully worthy your high confidence. My grandfather, Major General Baron De Kalb, fell in the revolutionary war of this country, at Indian Mills, Camden, North Carolina. I received an education proportionate to the means of my parents; served in the Crimean war as second lieutenant of engineers; family troubles induced me to leave my country; I landed in Quebec, Canada East, in November last; arrived in Washington, District of Columbia, about three weeks ago.

"This is a short outline of my history. But I cannot in the least perceive why your honor should hesitate because I am a stranger to you. The matter is, to my poor, ignorant, perception, nothing requiring either references or confidence, for I do surely not expect to reap personally any benefits before the strict performance of what I undertake. The task, I know, is connected with some danger, but never will it, in any event, become known in the north that the southern confederacy had anything whatever to do with it.

"The whole transaction dissolves itself, therefore, into this one question:

"Does the southern confederacy consider the explosion of the federal Capitol, at a time when Abe, his mirmidons, and the northern Congress members are all assembled together, of sufficient importance as to grant me, in case of success, a commission as colonel of topographical engineers, and the sum of one million dollars? If so, your honor may most implicitly count the transaction to be carried into execution between the 4th and 6th instant, and as good as already accomplished. I trust you will not press me in regard to the manner in which I intend to perform it, or anything connected with the execution.

"In case of an affirmative answer there is no time to spare; and to show you still further my sincerity, I will even refrain from asking for any pecuniary assistance in carrying the project through, notwithstanding my means are for such an undertaking very limited, and that some funds would materially lighten my task, diminish the danger, and doubly insure success. But I beg you for a passport so as to travel by Va. C., O. and A. M., G. R. Rs., as I intend to throw myself at a convenient place into Maryland, and to enter Washington by way of Baltimore.

"Very respectfully, your honor's most obedient servant,

"C. L. V. DE KALB."

Upon this letter is the indorsement in pencil, partially erased. ("See this man with Benjamin. File.") The letter and the indorsement show that Walker not only received and considered the proposition contained in the letter, but that he had an interview with the writer, and that it was his purpose to have another interview with him in company with Benjamin, secretary of state.

On the 12th of September, 1861, a letter was written to Jefferson Davis by J. S. Parramore, which was received, as appears by the indorsement, on the 20th of the same month. The following is a copy:

"BOSTON P. O., THOMAS COUNTY, GA., September 12, 1861.

"JEFFERSON DAVIS:

"SIR: Having a desire to be of benefit to the Confederate States is the only excuse I can offer for addressing you a letter; and believing the best plan would be to dispose of the leading characters of the north, for that reason I have tried and experimented in certain particulars that will do this without difficulty, although it is quite an underhanded manner of warfare, and not knowing whether it would meet with your approbation or not prevents me from giving you a full account of the material used, although I believe any one of them would take the life of a southern man in any manner they could. If you wish it write to me and get the whole process. Hoping you good health and future victory,

"J. S. PARRAMORE"

At the top of this letter, in the handwriting of Jefferson Davis, is the following note: "Secretary of War. J. D." Upon the back of this letter is this indorsement, under the name and residence of the writer: "Has discovered mode of disposing of the leading characters at north. File."

On the 17th of August, 1863, one H. C. Durham writes to Jefferson Davis a letter, of which the following is a copy:

"HEADQUARTERS SIXTY THIRD GEORGIA REGIMENT,
"Thunderbolt Battery, near Savannah, Ga., August 17, 1863.

"To PRESIDENT DAVIS.

"MR. PRESIDENT: After long meditation and much reflection on the subject of this communication I have determined to intrude it upon you, earnestly hoping my motives will constitute a full vindication for such presumption on the part of one so humble and obscure as myself; though I must say that the evidences of your Christian humility almost fully assure me.

"I propose, with your permission, to assist in organizing a number of select men, say not less than three to five hundred, to go into the United States and assassinate the most prominent leaders of our enemies; for instance, Seward, Lincoln, Greeley, Prentice, &c.

"Considering it unnecessary to discuss the chances of success at this time, I will only say a few words as to the opinion of its effects.

"I have made it a point to elicit the opinion of many men upon this subject, in whose good sense I have great confidence, and while a difference of opinion to some extent is almost inevitable, most have confidence in its benefits to us. The most plausible argument seems to be that, to impress upon the northern mind that for men in high places there to wield their influence in favor of the barbarisms they have been so cruelly practicing upon us, is to jeopardize their lives. For designing leaders there to feel that the moment they array hordes for our desolation, at that moment their existence is in the utmost peril, would produce hesitation and confusion that would hasten peace and our independence.

"With these meagre suggestions upon this subject I will leave it for this time.

"If you deem this matter worthy of any encouragement, and will so apprise me, I believe I can give you such evidences of loyalty and integrity of character as will entitle it to your consideration, so far as I am concerned.

"I will say, however, that I was born and raised in middle Georgia. All my relationship and affections are purely southern. I was opposed to secession, but am now committed to the death against subjugation or reunion with men of whose instincts and moral character, till this war, I was totally ignorant.

"If I have insulted any scruple or religious principle of yours I beg to be pardoned.

"I neglected to state, in the proper place, that I am a non-commissioned officer in the volunteer service. Begging your respectful attention to this communication,

"I am your excellency's most obedient servant,

"H. C. DURHAM,

"Co. I, 63d Reg. Ga. Vols., Savannah, Ga.

"His Excellency President DAVIS, Richmond."

This letter was received August 24, 1863, and is indorsed as follows:

"Asks permission to take from three to five hundred men and assassinate the leading men in the United States.

"Respectfully referred, by direction of the president, to the honorable secretary of war.

"J. C. IVES, Colonel and A. D. C.

"AUGUST 24. File."

In addition to the testimony thus presented upon this point, the committee refer to a letter of Lieutenant W. Alston, which was produced at the trial of the conspirators for the assassination of President Lincoln, from which the following is an extract:

"I now offer you my services, and if you will favor me in my designs, I will proceed, as soon as my health will permit, to rid my country of some of her deadliest enemies, by striking at the very hearts' blood of those who seek to enchain her in slavery. I consider nothing dishonorable, having such a tendency. All I ask of you is, to favor me by granting me the necessary papers, &c., to travel on. * * * I am perfectly familiar with the north, and feel confident that I can execute anything I undertake. I was in the raid last June in Kentucky, under General John H. Morgan; * * * I and all of my command excepting about three or four, and two commissioned officers, were taken prisoners; * * * escaped from them by dressing myself in the garb of a citizen; * * * I went through to the Canadas, from whence, by the assistance of Colonel J. P. Holcomb, I succeeded in working my way around and through the blockade. * * * I would like to have a personal interview with you, in order to perfect the arrangements before starting."

The following are the indorsements upon the above communication:

"A. 1,390. Lieutenant W. Alston, Sulphur Springs, Virginia—
[no date.]

"Is lieutenant in General Duke's command. Accompanied raid into Kentucky and was captured, but escaped into Canada, from whence he found his way back. Been in bad health. Now offers his services to rid the country of some of its deadliest enemies. Asks for papers to permit him to travel within the jurisdiction of this government. Would like to have an interview and explain.

"Respectfully referred, by direction of the president, to the honorable secretary of war.

"BURTON N. HARRISON, *Private Secretary.*

"Received November 29, 1864.

"Recorded book A. A. G. O., December 15, 1864. A. G., for attention.

"By order: J. A. CAMPBELL, *A. S. W.*"

[See "Assassination of President Lincoln," by Ben. Pitman, p. 52.]

The committee also call attention to the letter of W. S. Oldham, addressed to Jefferson Davis, at Richmond, February 11, 1865, and reported at length in Pitman's "Assassination of President Lincoln," page 48, of which the following is a copy:

"RICHMOND, February 11, 1865.

"His Excellency JEFFERSON DAVIS, *Pres't C. S. A.:*

"SIR: When Senator Johnson, of Missouri, and myself waited on you a few days since, in relation to the prospect of annoying and harassing the enemy by means of burning their shipping, towns, &c., there were several remarks made by you upon the subject that I was not fully prepared to answer, but which, upon subsequent conference with parties proposing the enterprise, I find cannot apply as objections to the scheme.

"1. The combustible material consists of several preparations, and not one alone, and can be used without exposing the party using them to the least danger of detection whatever. The preparations are not in the hands of McDaniel, but are in the hands of Professor McCullough, and are known but to him and one other party, as I understand.

"2. There is no necessity for sending persons in the military service into the enemy's country; but the work may be done by agents, and in most cases by persons ignorant of the facts, and therefore innocent agents.

"I have seen enough of the effects that can be produced to satisfy me that in most cases, without any danger to the parties engaged, and in others but very slight, we can, first, burn every vessel that leaves a foreign port for the United States; second, we can burn every transport that leaves the harbor of New York, or other northern port, with supplies for the armies of the enemy in the south; third, burn every transport and gunboat on the Mississippi river, as well as devastate the country of the enemy and fill his people with terror and consternation. I am not alone of this opinion, but many other gentlemen are as fully and thoroughly impressed with the conviction as I am. I believe we have the means at our command, if promptly appropriated and energetically applied, to demoralize the northern people in a very short time. For the purpose of satisfying your mind upon the subject, I respectfully but earnestly request that you will have an interview with General Harris, formerly a member of Congress from Missouri, who, I think, is able, from conclusive proofs, to convince you that what I have suggested is perfectly feasible and practicable.

"The deep interest I feel for the success of our cause in this struggle, and the conviction of the importance of availing ourselves of every element of defence, must be my excuse for writing you and requesting you to invite General Harris to see you. If you should see proper to do so, please signify the time when it will be convenient for you to see him.

"I am, respectfully, your obedient servant,

"W. S. OLDHAM."

[Indorsement.]

"Hon. W. S. Oldham, Richmond, February 12, 1865. In relation to plans and means for burning the enemy's shipping, towns, &c. Preparations are in the hands of Professor McCullough, and are known only to one other party. Asks the President to have an interview with General Harris, formerly a member of Congress from Missouri, on the subject."

[Second Indorsement.]

"Secretary of State, at his convenience, please see General Harris and learn what plan he has for overcoming the difficulty heretofore experienced.

"J. D.

"20 Feb'y, '65.

"Rec'd Feb'y 17, 1865."

These documents are conclusive upon the point that Davis, Benjamin, and Walker, in the years 1861, '62, '63, '64, and '65, received, entertained and considered propositions for the assassination of the chief members of the government of the United States, and thereupon a probability arises that they took steps to accomplish the purpose which for so long a period of time they entertained and considered.

The testimony taken at the trial of the assassins justifies the inference that the murder of Mr. Lincoln was procured by the use of money furnished by the Richmond government. Louis J. Weichman states that Surratt arrived in Washington on the 3d of April, 1865, from Richmond; that he there had had an interview with Davis and Benjamin, on or about the 25th of March preceding; that Surratt had in his possession at that time a considerable quantity of gold, and that he remained in Washington but a few hours. Surratt is connected with Booth and with the assassination by an amount of testimony which cannot be controverted. Samuel Kuapp Chester stated, upon the conspiracy trial that he was acquainted with Booth, and that Booth, on several occasions, tried to induce him to take part in kidnapping or murdering the President. At one time Booth sent him by letter the sum of \$50. When Chester finally positively refused to take part in the crime, he returned the money to Booth—Booth saying, as he received it, that he would not allow Chester to do so but that he was

so very short of funds, and that he or some other party must go to Richmond and obtain means to carry out their designs.

The interview appears to have been as late as the month of February, 1865, and it is probable, in view of all the facts, that the visit of Surratt to Richmond and his return with funds was in obedience to the necessity disclosed by Booth in the conversation with Chester. The fact that Surratt was in the secret service of the Richmond government is proved by the testimony of James H. Fowle. This witness was himself in the secret service of the confederate government, as agent of the state department, and his appearance before the committee, in obedience to the authority of the House of Representatives, was against his own wishes, and without any previous knowledge on his part. His testimony discloses the fact that he is in a degree an unwilling witness; that he desired to avoid implicating the leaders of the rebellion in any criminal acts, and that he is still devoted to the cause of the rebellion. The committee were assured, however, that he is a man of truth.

Fowle says that he was first acquainted with John H. Surratt in February, 1865, but that he had heard of him before. He knew he was an agent of the rebel government, and had heard of him as such from the 16th day of May, 1863. He says he knew that Surratt was a bearer of despatches, and that he was in Richmond about January or February, 1865. He states further that he thinks Surratt was a secret agent of the state department, but does not positively know it; that "each agent was kept to himself. One did not know about the other." Benjamin told him Surratt was there, and Quinton Washington told him the same thing. This information from Benjamin and Washington he received on the 2d or 3d of March, 1865. The testimony thus far adduced renders it certain that Surratt was employed in the secret service of the rebel authorities of Richmond; that he probably received money in his capacity as agent from the state department; and hardly a doubt exists that the funds received by him were paid to Booth for the commission of the crime of assassinating the President. Documentary evidence in possession of the government shows that the secret service fund was in the sole custody and under the exclusive control of Davis, and that no money was paid from that fund except by his authority. This fact appears from the correspondence between Benjamin and Holcombe, already quoted, and it is confirmed as the settled policy of the rebel government by correspondence between Benjamin and Seddon in January, 1865. On the 16th of January, 1865, Seddon wrote a note to Davis, in which he says he has received a despatch from General Hardee, requesting that he may be furnished with funds for secret service. At the same time, as appears by the reply of Benjamin, of the same date, he encloses a letter from Thomas M. Conrad, a copy of which is herewith given:

"KING GEORGE COUNTY, VIRGINIA,
"January 10, 1865.

"Hon. JAMES A. SEDDON, Secretary of War:

"Our agents write me from Washington for funds. Let me, therefore, give a statement and ask for an order. I received from the Hon. secretary of state, Mr. Benjamin, last *September*, \$400 in gold, which yielded me \$1,000 in northern funds. This has borne the expenses of *five of us for four months*, (including two horses,) averaging \$50 a month theretofore. You at once perceive the economy we have practiced. It would have been much more had we not used our private funds in many instances. If our services have been satisfactory, I would be obliged if the honorable secretary would, at his pleasure, remit a draft, which I can have cashed, I presume, and thus relieve us of embarrassment, and encourage us to continue our labors. Commanding it to your attention, I am,

"Respectfully, your obedient servant,

"THOMAS M. CONRAD.

"Upon hearing from you I shall leave for Washington, unless otherwise ordered by you.

This communication was referred by Seddon to the secretary of state. In reply to this reference and the enclosures Benjamin says: "There is but one way in which these funds can be given you. * * * It is necessary to address to the president a request that *you* be furnished with the money, and the exact sum must be stated so that he can draw a requisition."

It thus becomes satisfactorily established that no money could be drawn from the secret service fund except by Davis himself.

The facts that Surratt was in the secret service of the state department; that he was in Richmond on the 25th of March; that he then had an interview with both Davis and Benjamin; that he returned to Washington on the 3d of April, and there had in his possession a considerable sum of money in gold; that he left for Canada and returned again to Washington on the 14th of April, and that his connexion and complicity with Booth in the assassination does not admit of doubt, present a mass of connected testimony implicating Davis directly in the assassination of the President which, in an ordinary trial for murder, would go very far toward the conviction of the person accused.

It is also a significant fact that Booth, at the time of the assassination, had in his possession the same cipher which was used by Benjamin, as appears in the testimony given by Messrs. Dana and Eckert upon the conspiracy trials, page 41. It is, to be sure, possible that Booth might have obtained it from some agent of the rebel state department. But connected as he is, by the testimony, with Davis and Benjamin directly, by his own visits to Richmond, and indirectly through Surratt, the circumstance that he was in possession of the cipher used by Benjamin in the office of secretary of state leaves no room to doubt that he obtained it from Benjamin or Davis, and that it was the means by which the secret correspondence between the parties was carried on.

It is not unimportant, in this connexion, to quote the words used by Davis when the despatch of John C. Breckinridge, announcing the assassination of President Lincoln, was read by him. Lewis F. Bates testifies that Davis remarked, "Well, general, I do not know; if it were to be done at all it were better that it were well done; and if the same had been done to Andy Johnson, the beast, and to Secretary Stanton, the job would then be complete." These are not the words of a man who was either grieved or surprised, but rather the unpremeditated declaration of one who realizes that a crime which he anticipated has been committed but in part only, and at a moment too late to save a cause already rendered desperate by the conflicts and disasters of war.

The remark made by Davis on the receipt of the intelligence that Mr. Lincoln had been assassinated is in harmony with the conversation of his agents Thompson, Tucker, and others in Canada, as given by Richard Montgomery in his testimony in the "assassination trials." It is proper to say that Montgomery, in the year 1864 and the early part of 1865, possessed the confidence of Thompson and others, and was frequently employed in the secret service of the rebel government. He has been examined by the committee, and they have entire confidence in his statements. He is now employed by the government of the United States, and as far as the committee have been able to ascertain, there is no reason to question his integrity in all particulars. He says in his testimony, (Assassination of President Lincoln, by Benn. Pitman, pages 24, 25, 26:) "In a conversation I had with Jacob Thompson in the summer of 1864, he said he had his friends (confederates) all over the northern States, who were ready and willing to go any lengths to serve the cause of the south, and he added that he could at any time have the tyrant Lincoln, and any other of his advisers that he chose, put out of his way.

"He would have but to point out the man that he considered in his way, and

his friends, as he termed them, would put him out of it and not let him know anything about it if necessary, and that they would not consider it a crime when done for the cause of the confederacy. Shortly after Mr. Thompson told me what he was able to do, I repeated the conversation to Mr. Clay, who said. 'That is so; we are all devoted to our cause and ready to go any lengths, to do anything under the sun to serve our cause.' " Speaking of the events that occurred after the assassination, Montgomery says: "I have been in Canada since the assassination. A few days after, I met Beverly Tucker at Montreal. He said a great deal about the wrongs that the south had received at the hands of Mr. Lincoln, and that he deserved his death, and it was a pity he did not meet with it long ago. He said it was too bad that the 'boys' had not been allowed to act when they wanted to." 'The boys' was an expression applied to the confederate soldiers and others in their employ who engaged in raids, and who were to assassinate the President. I related a portion of the conversation I had had with Mr. Thompson to Mr. W. C. Cleary, who is a sort of confidential secretary to Mr. Thompson, and he told me that Booth was one of the parties to whom Thompson had reference; and he said, in regard to the assassination, that it was too bad that the whole work had not been done, by which I understood him to mean that they intended to assassinate a greater number than they succeeded in killing. Cleary remarked, when speaking of his regret that the whole work had not been done, 'they had better look out; we have not done yet; and,' he added, 'that they would never be conquered—would never give up.' Cleary said that Booth had been there visiting Thompson twice in the winter; he thought the last time was in December. He had also been there in the summer."

* * * * *

"When Mr. Jacob Thompson spoke to me of the assassination, in January of this year, he said he was in favor of the proposition that had been made to him to put the President, Mr. Stanton, General Grant, and others, out of the way; but had deferred giving his answer until he had consulted his government at Richmond, and that he was only waiting their approval. I do not know, of my own knowledge, that he received an answer; my impression, from what Beverly Tucker said, was that he had received their answer and their approval, and that they had been detained waiting for that."

In his testimony before the committee Montgomery says: "In almost every part of Canada, ranging from Montreal to Niagara Falls, including both points, and almost daily, when I was there, I heard Thompson, Tucker, and Clay certainly use threats in general terms against officers of the government, and especially against Mr. Lincoln, in a manner like this: 'They had better look out for themselves; our people are getting exasperated; they will get themselves into trouble they little dream of!'"

Thus it is seen that there is substantial harmony between the evidence furnished by the official documents found in the hands of the rebel authorities and the testimony of Montgomery as to the participation of Davis, Thompson, Clay, Cleary, and others, in the scheme for the assassination of the President.

When the committee entered upon this investigation in April last, the evidence in the War Department, if accepted as true, was conclusive as to the guilt of Jefferson Davis.

The Judge Advocate General had taken the affidavits of several persons who professed to have been in the service of the rebel government and who had been present at an interview between Surratt and Davis and Benjamin.

Those affidavits were taken by the Judge Advocate General in good faith, and in full belief that the affiants were stating that only which was true.

The statements made by these witnesses harmonized in every important particular with facts derived from documents and other trustworthy sources. The committee, however, thought it wise to see and examine some of the persons

whose affidavits had been taken by Judge Holt. Several of the witnesses when brought before the committee retracted entirely the statements which they had made in their affidavits, and declared that their testimony as given originally was false in every particular.

They failed, however, to state to the committee any inducement or consideration which seemed to the committee a reasonable explanation for the course they had pursued; and the committee are not at this time able to say, as the result of the investigations they have made, whether the original statements of these witnesses are true or false. But the retraction made by some of them deprives them of all claim to credit, and their statements so far impeach or throw doubt upon the evidence given by other witnesses, whose affidavits were taken by Judge Holt, that the committee in the investigations they have made, and in this report, have discarded entirely the testimony of all those persons whose standing has been so impeached. On the other hand, the committee have relied very largely upon documents found in the rebel archives, and have introduced only the testimony of those persons whose reputation for truth and veracity has not been impeached by any of the investigations that have been made.

Nor has it been the purpose of the committee to draw unnatural or forced inferences from the trustworthy testimony which they have examined, but rather to present to the House a truthful statement of the facts. The committee are of opinion that it is the duty of the executive department of the government, for a reasonable time and by the proper means, to pursue the investigation for the purpose of ascertaining the truth.

If Davis and his associates are innocent of the great crime with which they were charged in the President's proclamation, it is due to them that a thorough investigation should be made, that they may be relieved from the suspicion that now rests upon them.

If, on the other hand, they are guilty, it is due to justice, to the country and to the memory of him who was the victim of a foul conspiracy, that the originators should suffer the just penalties of the law. The committee are of opinion that the work of investigation should be further prosecuted, and they therefore, in conclusion, recommend the adoption of the following resolutions:

Resolved, That there is no defect or insufficiency in the present state of the law to prevent or interfere with the trial of Jefferson Davis for the crime of treason, or any other crime for which there may be probable ground for arraigning him before the tribunals of the country.

Resolved further, That it is the duty of the executive department of the government to proceed with the investigation of the facts connected with the assassination of the late President, Abraham Lincoln, without unnecessary delay, that Jefferson Davis and others named in the proclamation of President Johnson, of May 2, 1865, may be put upon trial, and properly punished if guilty, or relieved from the charges against them if found to be innocent.

Mr. ROGERS, the minority of the Select Committee on the Assassination of Lincoln, submitted the following as the

MINORITY REPORT.

The undersigned, a minority of the Judiciary Committee, to whom was referred an investigation as to what complicity, if any, Jefferson Davis, Clement C. Clay, George N. Sanders, and others had in the assassination of Mr. Lincoln, beg leave to report:

When I entered upon the duties of this investigation I did so with a deep sense of the importance, difficulty, and delicacy of the task imposed upon the committee. The government, by the offers of enormous rewards and the wording of its proclamations, spread over the land a belief that Clement C. Clay, George N. Sanders, Jefferson Davis, and others were, or might be, implicated in the assassination of the late President, Abraham Lincoln. The historic importance and record of the accused were of a character to make the truth of this charge a disgrace, not only to any one particular section of the country, but to the whole of it; and the additional crimes thereafter imputed to them were of that awful nature which, when they are committed by men who have sat in its high places, they blacken the civilization of the nation in which they were trained and preferred.

On the other hand, if it should turn out that those charges had been lightly made, and without satisfactory evidence as to a probability of their truth, the government so solemnly making them must needs suffer in the esteem of all good men as being lacking in coolness during a general excitement, and as sharing a fear which it was its province to dispel.

Knowing the entire unreliability of any testimony whose origin cannot be traced beyond a professional detective, especially when large rewards stand out in placarded prospective, I determined, as far as in me lay, to give to every shred of evidence presented as thorough an examination as I might be capable of bestowing upon it; and in this spirit, with no desire to convict or to acquit capable of mastering my wish to educe the truth, I tried to ascertain it, and this report is the result of the effort.

For some reason or reasons not fully stated, the majority of the committee determined to throw in my way every possible impediment, not only in any assistance I might try to render them in what I considered a common task upon us by the House, but even in my working out any conclusion for myself, when it became evident that in this thing they not only would have none of my assistance or fellowship, but resented deeply any attempt of mine to render any.

I felt I must work out my own convictions, not with the committee, but in spite of it. The papers were put away from me, locked in boxes, hidden; and when I asked to see them, I was told, day after day and week after week, that I could not. All sorts of reasons were assigned for this, sometimes one, sometimes another; and, finally, I was told I should not.

The House will recollect I brought the matter before it, and that the Speaker decided I was not entitled to see the papers on which my opinions, as member of that committee, must be based, till such time as the other members of the committee chose to allow me, by saying they were done with them; and it was not till twelve o'clock yesterday that I was allowed freely to look through them, and derive any knowledge based upon examination for the purposes of this report. It was said the interests of the government required that none should see these papers save and only Mr. Boutwell, the honorable member from Massachusetts, who was preparing the majority report. I felt hurt at this, but I should not have alluded to this strange action on the part of the com-

mittee but that it was necessary to explain any lack of brevity and clearness that may be apparent in portions, or in the whole, of this report, which, awaiting the right to see the papers, or rather the power, I did not commence till too late. If, therefore, this report be longer than it need to have been, or if it be less clear than such a report ought to be, the cause must be found in those reasons which induced my colleagues of the committee to endeavor to keep me in the dark till it was too late for me to use the light.

As the members of the committee are members of this house, I will not presume to say they had any fear of an investigation of their doings in their examinations. As they are gentlemen, and bound by that character not to hide the truth, or any part of it, I will not say they kept me in the dark to the last hour to prevent my making any report at all, but this I must say in justice to myself, that had they allowed me to use the usual privileges from which they excluded me, this report would have been of more benefit to the cause of justice and of truth than I can now hope to make it. I should also have accompanied the deductions of this report with ampler extracts of the testimony, showing conclusively the existence and fostering, the hiring and the paying, of the most wicked combination of perjurors the world has ever known.

The main portions of the testimony alleged to connect Mr. Davis and others with the assassination of Mr. Lincoln were *all* taken in the absence of Mr. Davis and of any counsel for him and of any person capable of cross-examining and explaining the testimony. In the words of the late Attorney General, "Most of the evidence upon which they are based was obtained *ex parte*, without notice to the accused, and while they were in custody in military prisons. Their publication might wrong the government." Mark, the government, not the accused. The Secretary of War, February 7, 1866, writes to the President that the publication of the reports of the Judge Advocate General on this matter "is incompatible with the public interests." This report, in the testimony it quotes, will show that the interests of the country would never have suffered by the dispensing with illegal secrecy; but that the interests and fame of the Judge Advocate General himself would suffer in the eyes of all the truth-loving and justice-seeking people on earth.

Secrecy has surrounded and shrouded, not to say protected, every step of these examinations, and even in the committee-room I seemed to be acting with a sort of secret council of inquisition, itself directed by an absent vice-inquisitor, and grand inquisitor too.

How such an un-American mode of procedure for the discovery and prosecution of crimes cognizable by the civil tribunals of the country could ever exist in it I find it impossible to fully understand or explain.

The substance of the testimony rendered before the committee, *viva voce* and documentary, is fresh in my memory, and also the result of some of the investigations made into their credibility. It was in ascertaining the latter that I found myself forced to travel over the nebulous and extended region of the so-called "assassin trial."

There are two reports of this trial. One approved by Mr. Holt, revised by Mr. Burnett, and the Associated Press report, published by Peterson & Co., of Philadelphia. Whatever of suspicion may naturally attach to the former, none can to the latter.

It will be remembered by the House that four persons were hung by the unconstitutional tribunal referred to; and that it was before this house, court, commission, or whatever you choose to call it, that Jefferson Davis was, after the military manner, charged with "combining, confederating, and conspiring" with Booth, Surratt *et al.* The specification to the charge went still further, for that accused them with inciting and encouraging John Wilkes Booth *et al.*

At this trial the first and most important part of a long tissue of falsehoods was introduced to connect Mr. Davis with the assassination.

The parties unconstitutionally killed through the subservient instrumentality of this so-called court or commission were all charged with conspiring with Davis, and it did seem strange to me that neither they nor their counsel made such examination of the witnesses to this as might have been expected. The reason was obvious enough, however.

In the progress of that trial every precaution taught by ages of experience and sanctified by authority was set aside.

The prisoners, said to have been incited to murder, by bullet, by infection, by arson, and by poison, by Jefferson Davis, were brought to hear these charges and specifications with irons upon them, with irons, too, of an unusual construction, irritating and painful, well calculated to distract their attention from the sayings of the military prosecutor. The House will remember that, since the trial of Cranbourne, in 1696, tried for conspiring against the life of the King of England, for raising a rebellion in aid of a foreign enemy, no prisoner has ever been tried in irons before a legitimate court anywhere that English is spoken. The chief justice of England said :

"Look you, keeper, you should take off the prisoners' irons when they are at the bar, for they should stand at their ease when they are tried."

But the parties alleged to have been incited by Mr. Davis did not so stand, but stood in constraint and in pain, with their heads buried in a sort of sack, devised to prevent their seeing! In this plight, from dark cells, they were brought to be charged with having been incited by Mr. Davis, and to it they pleaded not guilty.

As the congressional committee believe secrecy necessary, as the Attorney General that was recommends it, and the Secretary of War orders it, so that court practiced it; and it was in secret, with closed doors, the perjured reporter present, that the chief testimony alleged to implicate Mr. Davis was taken; and this testimony would not now be publicly known had it not been published in Cincinnati, through Pitman's violation of his oath.

Having arrived at the manner in which this testimony was taken, there now remained for me only to ascertain how far it could be relied on, and what it professed to prove. It is a theory of courts military that when the accused are unprovided with counsel, the prosecutor, technically termed "the judge advocate," shall defend the accused as well as plead the accusation—in fact, be a sort of *amicus curiae*, not only to the court, but to the accused. Messrs. Davis, Clay, Thompson, *et al.*, had no counsel of course, and the only lawyer for the other accused, capable of grasping the subject, was insulted by the court in a manner so repugnant to personal self-respect and professional dignity that he left it, and in lieu of cross-examining testimony was forced to confine himself to the production of an argument against the constitutionality of the court—an argument whose soundness has been indorsed by the decision of the Supreme Court in the *habeas corpus* case of Milligan, Bowles, and Hersey. The lawyer so insulted and so feared was a senator of the United States, whose reputation is second to none in this country; once an Attorney General of the United States and for years the leader of its bar.

That I should be jealously excluded by the committee from investigating the testimony Reverdy Johnson was thus prevented from testing; that the gentleman from Massachusetts and the chairman of the committee should use towards me the very same measures and means adopted by Generals Hunter and Harris, must, it would seem, be due to their acting under similar motives.

It was therefore natural that in trying to investigate the charge of complicity made against Mr. Davis, this continual attempt at secrecy, these unusual means to prevent any searching examination into the reliability of the testimony, should lead me to suspect that these charges were hastily and lightly made, and that the President had been misinformed, and wilfully or recklessly misled when he

fulminated a charge so dire against men so prominent, and just then the observed of the nation. This secrecy on the part of the court, this avoidance of legitimate scrutiny, led me to conclude that my first duty was to ascertain the character of the witnesses, to sift it thoroughly, and to ascertain by what, if any, motives they were actuated in the delivery of their oral evidence and written affidavits.

Sanford Conover, the principal witness and originator of all the oral testimony relevant, proenred by the Bureau of Military Justice to establish the guilt of Davis, was examined by the Committee on the Judiciary. The method of his examination was this: The testimony he had given at the mock-trials on the 20th day of May, 1865, was read to him, and he said it was all true. In that testimony he was asked, being duly sworn: "Question. State your full name and present place of residence. Answer. Sanford Conover, Montreal, Canada."

On the 8th of June I find he swore "upon the Holy Evangelists" that his name is *not* Sanford Conover, but James Watson Wallace, and in the same positive manner he denies under oath in Canada all he swore to in Washington, and ends by making the following proposition:

"Five hundred dollars reward will be given for the arrest, so that I can bring to punishment in Canada, the infamous and perjured scoundrel who recently personated me under the name of Sanford Conover, and deposed to a tissue of falsehood before the military commission at Washington.

"JAMES W. WALLACE."

Conover having finally admitted that he and Wallace were one man with two names, and Wallace swearing that Conover is a scoundrel whose testimony before the military commission was but a tissue of falsehoods, might well relieve me from all analysis of the testimony given by him until such crime as perjury in two courts, delivered from any motive, becomes a certificate of truth telling in the other.

It were needless to detail here *what* Conover, alias Wallace, deposed to at the mock-trial, and that is the testimony of his which Mr. Holt forwarded to the Judiciary Committee. A garbled report of it by Pitman, bearing the unsatisfactory authentication of Messrs. Holt and Burnett, will be found in Pitman's report, page 28. A report correct to a word, taken by the reporters of the Senate corps, and given by Holt to the Associated Press, will be found in the Associated Press copy of "The Conspiracy Trials," published in Philadelphia by T. B. Peterson & Bros., page 137.

The testimony of Conover, had it been credible, would establish the guilt of Jefferson Davis, George N. Saunders, Jacob Thompson, Clement C. Clay, Dr. Blackburn, Beverley Tucker, Wm. C. Cleary, Lewis Castleman, the Rev. M. Cameron, Mr. Portersfield, Dr. M. A. Pallin, Captain Magruder, General Frost, and General Carroll, with whom he says he was intimately acquainted in Montreal, Canada, where he had resided from October, 1864. He says he saw Surratt on the 7th of April, 1865; describes him, and says he heard a conversation between him and Jacob Thompson, in the room of the latter, whence it appeared that Surratt had brought Thompson despatches from Richmond, one from Benjamin, and also a letter in cipher from Mr. Davis. "Previous to that," says Conover, "I had had conversation with Mr. Thompson relative to the plot to assassinate Mr. Lincoln and his cabinet, and I had been invited by Mr. Thompson to participate in the enterprise." Thompson laid his hand on the despatches brought by Surratt, Conover asserts, and said, "This makes the thing all right," referring to the assent of the rebel authorities. Mr. Lincoln, Mr. Johnson, the Secretaries of War and of State, Judge Chase, and General Grant were to be the victims.

Conover asserts his first interview with Thompson was in February, 1865, and that at that first interview Thompson said to him, "Some of our boys are

going to play a grand joke on Abe and Andy." The joke, Thompson explained to Conover at this first interview, was to kill them, and at this same interview Conover says that Thompson explained to him that the killing of a tyrant was no murder; that it was only a removal from office. Thompson told Conover, too, that he had commissioned Booth, and all engaged to do the killing would receive commissions, and if they escaped to Canada they could not be successfully claimed under the extradition treaty.

Conover states, further, that the very day of the assassination, or the day before, he had a conversation with Cleary at the St. Lawrence hotel, Montreal. They spoke of the rejoicings in the north over the surrender of Lee, and Cleary, according to Conover, said they would put the laugh on the other side of their mouths in a day or two, and, adds Conover, "the conspiracy was talked of at that time about as commonly as one would speak of the weather."

Conover asserts, also, that Saunders spoke to him freely about Booth, and feared the latter would make a fizzle, he being reckless and dissipated.

Conover said he was all this time correspondent of the New York Tribune.

Conover further deposed to a proposition being made to destroy the Croton dam at New York to distress manufactories, and to distress the people generally; to Thompson's saying that the whole city would soon be destroyed by fire. Conover said he saw neither Payne nor Atzerodt in Canada, nor did he there ever hear the name of Mary E. Surratt. He said that while in Canada he went by the name of James Watson Wallace.

Mr. Thompson had told Conover, he says, that he thought the assassination of Mr. Lincoln and the cabinet would meet the approval of the government at Richmond. That was in February; and in April, when Surratt arrived from Richmond, Mr. Thompson, says Conover, referred to the despatches brought as having furnished the assent.

Having thus testified to a connexion between the government at Richmond and the assassins in Washington, *via* Canada, Conover next testifies to the infection plot.

He says one Dr. Blackburn packed a number of trunks with infected clothing. Blackburn represented himself as an agent of the Confederate States of America, as Thompson did. Blackburn offered, according to Conover, to pay several thousands of dollars to Mr. John Cameron if he would accompany him to Bermuda to take charge of goods infected with yellow fever and bring them to New York city. Cameron, fearing the fever for himself, refused. Jacob Thompson was the money man furnishing the funds. Jacob Thompson and Mr. Cleary, Conover knows, approved of and were interested in this design, and he thinks Lewis Saunders was present when Blackburn spoke of this enterprise.

In June, (or rather January, according to the correct report of his testimony,) the idea of poisoning the Croton reservoir was discussed. Blackburn knew the capacity thereof, and had calculated the amount of strychnine and other poisons necessary. Thompson thought they could not get enough poison together without exciting suspicion. Blackburn thought he could. Dr. Pallin, of St. Louis, Dr. Stuart Robinson, Lewis Saunders, and Cleary were present at this discussion, approved it, and Dr. Pallin and others thought it could be managed from Europe.

Conover says he saw Surratt in Canada three or four days after the assassination, where, hearing officers were on his track, he fled.

Then, says Conover, "When Mr. Thompson received the despatch from Richmond in April assenting to the assassination, there were present Mr. Surratt, General Carroll, of Tennessee, I think Mr. Castleman, and I believe there were one or two others in the room sitting further back. General Carroll participated in the conversation, and expressed himself as more anxious that Mr. Johnson should be killed than anybody else. He said if the damned prick-louse were not killed by somebody he would kill him himself. His expression was a word

of contempt for a tailor, so I have always understood. At this interview it was distinctly said that the enterprise of assassinating the President was fully confirmed by the rebel authorities at Richmond."

Booth, says Conover, went by the nick-name of Pet, and Conover adds that he saw him in conversation with Thompson and Saunders, and heard him so called by Cleary.

Conover, on the 27th of June, being sworn, was asked if the following testimony was given by him on October 19, 1865, in the St. Albans case.

He said yes; but that it contained the testimony of other Wallaces who testified.

James Watson Wallace on his oath says: "I am a native of Virginia, one of the Confederate States; I resided in Jefferson, in said State; I left that State in October; I know James A. Seddon was secretary of war last year. * * * When I was in Virginia I lived in my own house until I was burned out, and my family were turned out by the northern soldiers.

[The counsel for the United States object to the whole of this evidence as illegal, irrelevant, and foreign to the issue, and consequently decline to cross-examine.]

"J. WATSON WALLACE."

The testimony of Merritt was not, as already stated, accusatory of Mr. Davis, but of those persons who, according to Conover, acted for Mr. Davis, or with his assent, in Canada.

Merritt says he was introduced to George N. Sanders by Colonel Steele; that he, Steele, said of Lincoln that the d——d old tyrant never will serve another term if he is elected; and that Sanders then said he, Lincoln, would keep himself mighty close if he did serve another term.

"About the middle of February a meeting of rebels was held in Montreal, to which I," says Merritt, "was invited by Captain Scott. I should think there were ten or fifteen persons present. Among them were Sanders, Steele, Scott, George Young, Byron, Hill, Caldwell, Ford, Kirk, Benedict, and myself. At that meeting a letter was read by Sanders, which he said he had received from 'the president of our confederacy,' meaning Jefferson Davis, the substance of which was that if the people in Canada and the southerners in the States were willing to submit to be governed by such a tyrant as Lincoln he did not wish to recognize them as friends or associates, and he expressed his approbation of whatever measures they might take to accomplish this object. The letter was read openly in the meeting by Sanders, after which it was handed to those present, and read by them, one after another. Colonel Steele, Young, and Hill, and I think Captain Scott, read it. I did not hear any objection raised."

Merritt goes on to say that Sanders then named a number of persons who were willing and ready, as he said, to engage in the undertaking to remove the President, Vice-President, cabinet, and some of the leading generals, and that there was any amount of money to accomplish the purpose, meaning the assassination—the names of Booth, Harper, Randall, and Garrison, (Surratt,) and one Plug or Port Tobacco (Herold.) Sanders said, according to Merritt, that Booth was heart and soul in this project, because Beall, hung in New York, was his cousin. Sanders thought disposing of the leading men would satisfy the people they had friends in the north, and incline them to grant the south better terms.

Merritt says also that on the 5th of April last, in Toronto, he met Harper and Ford. Next morning Harper, Caldwell, Randall, Holt, and a man called Texas met him at the Queen's hotel and said they were going to the States to kick up the damnedest row that had ever been heard of. An hour or two after meeting Harper again, Merritt says Harper told him if he did not hear of the death of Old Abe, and of the Vice-President, and of General Dix in less than ten days, he, Merritt, might put him down as a damned fool. This was the 6th of April.

Booth was mentioned as being in Washington. On the 8th of April Merritt says he found that Harper and Caldwell had started for the States.

Merritt says he then went to Squire Davidson, a justice of the peace, to have them stopped; but Davidson thought the thing too ridiculous to notice.

[The only justice of the peace of that name in Canada denies any such information being given him by Merritt at all.]

Merritt says that in February, 1865, Clay told him in Toronto that he knew all about the letter Sanders had exhibited at the meeting in Montreal, and on Merritt asking what he thought about it, replied he thought the end would justify the means. Merritt swore to Aiken, in cross-examination at the trial, that he had never received one dollar from the government for furnishing any information from Canada, nor had he received anything "from the rebels for services rendered them."

To all this Merritt swore. I cross-examined him under oath, and in that cross-examination he contradicted all the foregoing, and admitted that he had received in actual pay from the government of the United States, through the War Department, for his testimony and services, the sum of six thousand dollars in the aggregate. And that cross-examination, fully disproving his testimony in chief, the committee would not allow the reporter to translate from his notes.

The testimony of Conover being wholly invalidated by his contradictions, would amount to nothing unsupportable, with its evident perjuries unexplained. When Mr. Holt forwarded it with the rest he accompanied the whole with an explanatory argument whose every sentence is redolent with the logic of prosecution, and to me it almost felt as if it revealed something of personal motive in the conviction. There is certainly nothing in it of the *amicus curiae* spirit, nothing of the searcher after truth, nothing but the avidity of blood of the military prosecutor. The sending of any argument to convince the committee was in itself a step of doubtful propriety, as the committee was supposed by the representatives of the nation to be able to draw their own conclusions from the testimony, and hence were appointed to do so; and the House, by appointing them, had given the strongest evidence that they did not desire to adopt those of Mr. Holt, already tendered. The sending of an argument might be explained as the natural effect of that habit of directing verdicts acquired in the Bureau of Military Justice; but the sending of such an argument I feel compelled to attribute to a desire to place his own views so before the committee as to render investigation by them a mere matter of form; and I believe this was done to hide the disgraceful fact that the assassination of Mr. Lincoln was seized upon as a pretext to hatch charges against a number of historical personages, to blacken their private character, and afford excuse for their trial through the useless forms of a military commission, and through that ductile instrument of vengeance in the hands of power, murder them. I do not say that "Judge Holt" did himself originate the charges or organize the plot of the perjurers, because I do not know that he did; I merely say that a plot based on the assassination was formed against Davis, Clay, and others, and that the plotters did, and even yet, operate through the Bureau of Military Justice, and that the argument forwarded by Mr. Holt to the Committee on the Judiciary looked to me like a shield extended over the plotters—extended, it may be, from no personal animosity to Messrs. Davis, Clay, and the others—extended, it may be, with a desire to save certain officers of the government from the charge of having been betrayed into the mistakes of a vague apprehension, the blunders of an excitement, which it was their province to allay or control, not to increase or share; but still extended over acknowledged, self-convicted, most wicked perjury; and the fact that Mr. Holt did himself pay moneys to more than one of them, to those who acknowledge they swore for money, may awaken suspicion that there was bribery as well as perjury—perhaps not conscious bribery, but the payment for false testimony was

committed ; though it may have been done innocently, it produced the usual effect of subornation of perjury.

For the sake of humanity and justice, I would in this report press upon the House a request that the cross-examination of Merritt be translated and published. I am aware that the Executive, acting under the advice of Senator Wilson, of Massachusetts, and other gentlemen of loyalty no less known, has released Mr. Clay on parole, and that that release is in itself an acknowledgment that the Executive disbelieves not only Merritt's testimony, but also that of every one of the members of the plot. But this is not sufficient. It is due to all the accused that the nation at last see and recognize the flimsiness and malice of these monstrous perjurers.

Let it be recollectcd that Conover's own exposition of his perjuries was made in Canada during the trial, and then how are we to account for this man's not only being left at large, but being sent as a competent witness to testify before a judiciary committee of this House, and this testimony, already disproved, accompanied by an argument from Judge Holt shaped to induce a belief in it?

The testimony of Henry Finegas, going to implicate George N. Sanders and Wm. C. Cleary, led me to investigate his character and credibility. I find he was almost reared by a man named Price, in Boston, now residing in Washington, and known as a gambler and a prize fighter ; that Finegas adopted and followed the professions ; that he went with Butler's expedition to New Orleans, entered the service, held a commission, left the service on account of misdemeanors known to General N. P. Banks ; that Finegas next appears a detective in Norfolk, and for certain crimes is expelled the department of the Virginia and North Carolina in company with another detective named Long.

And thus one by one I find each and all of the witnesses brought forward at the so-called trial to implicate Jefferson Davis, Clement C. Clay, Jacob Thompson, and others, to be either convicted perjurers or men of infamous life ; and therefore the first conclusion to which I arrived is that all the testimony taken to establish said complicity, under the pretence of proving a general conspiracy, is wholly unworthy of credit, and that its *ex parte* reception even by that court, and the protection of the witnesses, was an act highly reprehensible, discreditable to the officers of the court, a disgrace to the nation and its military service, under a misapplication of the powers and regulations of which this conspiracy to alarm the people and jeopard the reputation, liberty, and life of innocent men was fostered and partially consummated.

With the testimony taken at the celebrated trial, was forwarded from that strange receptacle of evidence, the "Bureau of Military Justice," affidavits taken since.

Among these was the affidavit of one Campbell, acknowledged by him to be such, to have been sworn to at the said bureau. Campbell was brought before us and asked if the contents of that affidavit were true. He said it was all false. He was then asked, "Why did you make it?" "I was informed by Conover that Judge Holt had offered a reward of one hundred thousand dollars for the capture of Jefferson Davis—that he, Holt, had no authority really to do it. That, now Jefferson Davis was taken, they had not enough against him to justify them in what they had done ; that Judge Holt wanted to get witnesses to prove that Davis was interested in the assassination of Mr. Lincoln, so as to justify him in paying the \$100,000."

"I never lived in New Orleans."

[In his affidavit he had sworn he did.]

"I never was in Richmond."

[He had sworn to residing there.]

"I do not know John Surratt, and never saw him."

[He had sworn to conversations with him.]

"I never saw Jefferson Davis. The evidence was prepared by Conover. I

saw him prepare a portion of it. I never was in the confederate service. I never saw Benjamin. Conover said I should be well compensated for my evidence. My proper name is not Campbell, but Joseph Hoone. My evidence was taken in Judge Holt's office."

Speaking of the other witnesses, Campbell swore:

"Joseph Snelvel is not his real name; his name is Roberts."

"Farnham B. Wright is not his real name; it is John Waters."

"John H. Patton is not his real name; it is Smith."

"Sarah Douglas is not her real name; her name was Dunham. (This is Conover's true name.)

"Here was another woman sworn; she gave an assumed name."

One of these women was Conover's wife, the other his sister-in-law.

"Conover told me that if I engaged in it, it was not going to hurt anybody; that Jeff. Davis would never be brought to trial, and that if this evidence got to him he would leave the country. Conover directed me to assume the name of Campbell. There was a person described by that name, who was supposed to be implicated in that affair, and I was representing that party."

"I met Conover first by the appointment of Snelvel. Snelvel said I could make money out of it. Money was my motive.

"I received \$625. I received \$100 from Conover and \$500 from Judge Holt. I got \$150 at Boston; \$150 at St. Albans.

"I went to Canada to hunt up a witness to swear false, who was to represent Lamar. Snelvel and Conover together arranged with me to go to Canada.

"Snelvel saw the written evidence I was to swear to after Conover wrote it."

These hurried yet correct extracts from the testimony of Campbell before the committee may seem all sufficient to gauge the value of Conover's evidence, Snelvel's, and his own; but lest they should seem to lack confirmation, I append extracts from that of Snelvel, sworn May 24, 1866.

The deposition he made before Mr. Holt was read to him. He stated it was "false from beginning to end."

"Conover wrote out the evidence and I learned it by heart. I made it to make money. I received \$375 from Holt. I received \$100 from Conover. Farnum B. Wright's name is really John Waters. John McGill is an assumed name—not his."

[These witnesses, of two names each, were witnesses who had been procured by the Bureau of Military Justice, and who had testified to corroborate the testimony of Conover and Merritt, as Campbell and Snelvel did.]

Snelvel further says:

"I told Conover that I was coming on here to testify to the truth; that I had not any rest since I swore to what I did. He said I would be in a worse fix than I was now. This was last Saturday. He said things would be settled, and there would be no further trouble. When the false evidence I was to swear to was read over to me by Conover, Campbell and Conover's brother-in-law, Mr. Aunsen, were present.

"Conover told me he knew what Holt would ask me, and Conover asked me the same questions. I gave this false evidence before Mr. Holt. When I got wrong Conover would nod his head. Conover was present when I was sworn by Holt. When Conover would nod I would correct it as near as I could. Campbell and I rehearsed at the hotel in Washington."

Conover said, in his testimony, "I was asked if such a sum would be satisfactory. I said it would. I can't tell how much I received."

"Conover was an agent of the government to hunt up evidence."

Having but little time to end this report, I will not swell it with any additional extracts from the confessions of these people.

Conover was present when Campbell and Snelvel testified thus plainly to his villainy.

I must inform the House that Conover, alias Watson, alias Dunham, &c., &c., was not ordered into arrest; that the committee, at his request, permitted him to go to New York to procure other testimony. One officer was sent with him, and Conover effected his escape, of course, has not been heard of since, and has probably left the country. Whether any efforts have been made I know not, to catch him; but as he was the teacher and guide of the perjuries committed by the other witnesses procured through the Bureau of Military Justice, it would seem the solemn duty of this government to apprehend, try, and punish so foul a criminal, and in his trial ascertain what temptations, and through whom they came, led him to the manufacturing of so awful a plot. Conover it was who found Montgomery; Conover it was who found Merritt, Campbell, Snelvel, and the rest, who rehearsed and taught them, and, as professor of perjury, watched his pupils in their delivery thereof at lesson-time before Judge Holt.

Judge Holt himself was a witness before the committee. He of himself knew nothing of course; but he swore to his own opinions derived from the trustworthy testimony of the parties described, for whose testimony they say the judge himself paid them,

The testimony and revelations of Campbell and Snelvel, the absconding of Conover, were not needed by me to aid in forming my opinion of the value of Montgomery's perjuries or those of Conover; still, when they testified so clearly, when the females of Conover's family were shown to have also been sacrificed by him to this demon of falsehood for lucre, the cool turpitude of the whole crew sickened me with shame, and made me sorrow over the fact that such people could claim the name of American, while I wondered who the hidden arch-conspirator behind Conover might be.

The transparency of the whole plot; the imbecility of its organization and management; its ease of discovery by the poorest tests of the cheapest logic, betrayed in the frame so complete a reliance in popular credulity, so thorough an appreciation of the maxim, that the masses of men believe improbable lies more readily than those colored with an air of truth, that I could scarce resist the desire of having Campbell, Conover, Snelvel, the women and the rest, all arrested and handed over to the reliable civil tribunals of the country, charged with perjury.

The proof was within easy reach, plain, and cumulative. I felt the honor of the nation required the punishment of these people, were it only in atonement for the credulity of those in its high places who had so readily credited or appeared to credit and act upon such a tissue of absurdities, and so stated my views to the committee.

Not one of these witnesses, nor the parties using and instructing them, if any besides Conover, possessed any peculiar talent for imposture other than impudence and military power to awe all questionings. A man of sense, by trying to give this plot an appearance of probability, would most likely have failed sooner and no less signally, as wise men often do in addressing a multitude, from not daring to calculate upon the prodigious extent of their credulity, especially where the figments presented to them involve the fearful and the terrible. Dr. Pallin, the man Blackburn, Mr. Robinson, and other innocent citizens nearly fell a sacrifice to the fury and fear of poison, arson, and murder which these witnesses created, and owe their safety only to a peculiarity of our national temperament. We are most easy of all people satiated with bloody punishment. Other nations are like the tame tiger which, when once its native appetite for slaughter is indulged in one instance, rushes on promiscuous ravage. We rather resemble the sleuth dog, which, eager, fierce, and clamorous in pursuit of his prey, desists from it as soon as blood is sprinkled upon his path.

The whole of this affair, which would simply pass down to posterity as an absurdity unsurpassed in the history of nations, were it not for the serious dan-

gers and consequences it came near entailing, was dragged into the arena of politics.

A few weeks ago a radical editor wrote: "Would that the hand of Booth had been less steady, than of Atzerodt more sure." And a woman in the employ of the government published an accusation against the President as one of the conspirators against the life of Mr. Lincoln. Recollecting that the taking of his own life was a leading object of Atzerodt's and Booth's, one may say of Andrew Johnson what a writer of the Popish plot said against Charles the second: "He should be tried for conspiring his own death, and hanged *in terrorsim.*"

That this plot to prove designs of poisoning by infection, of complicity with past and future assassinations, should have culminated into such absurdities, is natural, for falsehood run mad outstrips itself, and the dangerous allegations of Conover, Merritt, Hyams Campbell, Snel, Montgomery, and Finegas, have their prototypes in other lands and times, though to Conover the original idea of advertising for his own apprehension as a false witness is an everlasting claim to a high place in the pages of the *causes célèbres* of this age. Thank Heaven, however, that we are only to blush at the fact that, upon the accusation of the most infamous of mankind: common informers, incited, if not bribed, by offers of reward, of these scourings of jails, and the refuse of the detective office, a government like ours should brand those who had been its ministers with crimes known only to the inferior civilization of the middle ages, we have not to sorrow over their guilt.

Who originated this plot, and placed the government in so embarrassing an attitude? I cannot ascertain. The jealous secrecy and care exercised by the gentleman from Massachusetts in keeping most of the documentary evidence from me for careful perusal, the secrecy attending every step of these proceedings, makes certainty on my part impossible as to the authorship of these ill-linked perjurers; although I do not attribute the course of the committee towards me to any desire on their part to screen the authors, and I am so deeply impressed that there must be guilt somewhere that I earnestly urge upon the House an investigation into the origin of the plot concocted to alarm the nation, to murder and dishonor innocent men, and to place the Executive in the undignified position of making under proclamation charges which cannot, in the face of the accused, or even in their absence, stand a preliminary examination before a justice of the peace.

It was not till noon Friday, yesterday, the last day but one of the session, that the committee and the gentleman from Massachusetts allowed me to read the testimony or parts thereof, that my memory alone should not be trusted to report. It was then within twenty-four hours of its adjournment that Congress, through this committee, allowed me to get ready to prepare this report, when the unfinished business of the session was crowding upon me, and no time was left me to pursue to the head the villainies I detected in the hand, or I might have been able plainly to tell Congress and the country that if in this plot we had a Titus Oates in Conover, so also we had a Shaftesbury somewhere. Had more than twenty-four hours been allowed me, or had those twenty-four hours been less burdened with other duties requiring immediate discharge, I might have been able, in addition to exposing the perjury, to have told this house who concocted it, who screened it, (I do not mean the committee,) why it was concocted and screened, and finally, why a committee of Congress acted towards one of its own members like a Venetian council of ten, whose legislation and inquiries were being kept secret for the benefit of some Foscari.

Need I add, in conclusion, that neither of verbal nor written testimony there is no credible evidence whatever to criminate Mr. Davis as an accomplice, before or after the fact, in the murder of Mr. Lincoln. There is not any evidence worthy of the slightest credit that connects either Mr. Clay, Mr. Cleary, Mr.

Thompson, Mr. Tucker, Dr. Pallin, Mr. Stuart, nor any others charged therewith, now at liberty, with that assassination, directly or indirectly. Nor is there the slightest possible tinge of probability, according to the results of investigation, that any plot or plans ever did exist among those charged therewith to poison or infect with fevers the good people of this nation.

I cannot agree with the statement made in the concluding paragraphs of the majority report, that "it is the duty of the executive department of the government for a reasonable time, and by the proper means, to pursue the investigations for the purpose of ascertaining the truth."

The government, through the Bureau of Military Justice, has pursued its investigations over one year with the rigor of military power and the expenditure of vast amounts, and in Conover, Campbell, Snel & Co. we have the result of their labors. How long is this man to lie under these imputations without even a preliminary examination? This is worse than the treatment of D'Enghien; worse than the quicker cruelties of an auto da fé. Disagreeing with the majority report on this point, as on most others, I believe it to be the duty of the authorities holding Davis to give him a preliminary examination, as prescribed by the usages and practice of all civilized nations. If in that examination it be found there remains anything unsatisfied, it is the duty of the government to immediately hand him to the civil tribunals, that he and the others accused may have opportunity to show to the world the malice and falsehood of these wicked accusations.

The discoveries of the doings of the Bureau of Military Justice render it a duty that whatever be done in this matter hereafter, be done in a less suspicious locality, and freed from secrecy. Evil motives alone fear the light. The government of this country should have in this matter nothing to hide, or fabricate in darkness.

As regards the charge of treason, that is already before the proper tribunal, and I have only to express surprise that the judicial branch of the government should so long have deferred the trial, and that a prisoner could be ready for trial so long, ask for it so persistently, and yet, in defiance of law and usage, be so long denied it.

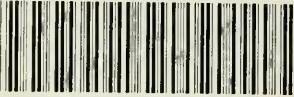
The assertion that legislation by Congress is needed ere the crime of treason can bring a man to trial is wholly unfounded, and sounds like a shrinking from the fulfilment of a most plain duty.

A. J. ROGERS.

Dated July 28, 1866.

H. Rep. Com. 104—4

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